DATEN EVENING TREACRAPH-PERLADELPHIA, SATURDAY, JUNE 10, 1871 THE DAILY EVENING TELECRAPH-PHILADELPHIA, SATURDAY, JUNE 10, 1871.

# INTELLIGENCE, THE COAL TRADE.

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The Demdition of Trade and Production-Merators' Call to the Buyers-The The Operators' Call to the Buyers-The Lehigh Region and its Instivity-The Complete Tonnage for the Week-Quotations, Etc.

There is but little of general interest to report this There is but sittle of general interest to report this week in connection with the anthracite coal trade. The large production of the various regions is now being steadily put upon the market, and the quan-tity is in excess of the demand and tends to a weak-ening of prices. This is at least temporarily good for the consequently calling lustily in all directions for the dealers to come and buy now. The operators say that the poerness of the demand is caused by the holding off of the buyers in expectation of a still lower rate next month, and they warn the buyers that if they still persist in holding off in a body, and then rush in in a body when lower prices do come, that the lower prices will no longer costinue low, but will imme-diately border on the high, because the legitimate diately border on the high, because the legitimate demand will be as much as the greatest capacity of mines and roads can possibly supply. This is on account of the great depiction of the market pre-vious to a resumption of work, and any great in-

vious to a resumption of work, and any great in-crease of this demand from the cause suggested will have the predicted effect. By so holding off, say the operators, the dealers in trying to save them-selves will cut their own throats. While this reasoning is all true to a certain ex-tent, taking it for granted that the dealers are hold-ing off in a body, and eventually intend to rush into the market in a body at the moment of time which they consider most appropriate, it must be remem-bered that other causes can also account for the lack of demand, at least to some extent. One of bered that other causes can also account for the lack of demand, at least to some extent. One of these is the fact that this season of the year is not the most favorable for sales to those who lay in large stecks; another, the immense production which has suddenly been put upon the market; and,

which has suddenly been put upon the market; and, still another, the injury to the regular demand occasioned by the late prolonged strike. The remains of the suspension in the Lehigh re-gion still continues without immediate prospect of resumption, both men and operators appearing to be in a chronic bad humor which prevents concilia-tion. The Lehigh operators held a meeting in this city during the week, and adjourned after resolving to hold to their previous terms, and not to meet again until they were agreed to by the men. The men in this region have always received a slightly higher rate of wages than what was pald elsewnere, on account of a peculiar formation of the coal. This on account of a peculiar formation of the coal. This advance the company refuses to pay, and the private operators hold to the terms of the company. The men say that they operators hold to the terms of the company. The men say that they are leav-ing the region and going to other points to obtain employment, but this is doubted, because the number of miners out of employment in the other regions is more than sufficient for the wants of the particular region, and because if they did go they would elsewhere not have the excuse to demonst the additional sufficient for the same hold. did go they would elsewhere not have the excuse to demand the slight advance for which they are hold-ing out, and to which they say they are entitled on account of the greater difficulty of mining in the particular Lehigh mines in question. The company claims that it offers higher wages than are now paid anywhere else in the coal fields, and these the men will not accept.

will not accept. A comical instance of partial resumption is, how-ever, reported from Lehigh, which is the case of one man at the Hazleton mines, who has accepted

one man at the Hazleton mines, who has accepted the operators' offer and gone to work. He goes in the mines to work every morning, works all day, comes out at night, and, strange to relate, is not molested by the men. This hast is at least a small good sign of the times in the region. We have tidings from the upper region of a per capita tax of six dollars imposed by the officers of the W. B. A. upon the men to meet the expenses of the late suspension. This is a rather heavy share, con-sidering that it is mainly for the benefit of the lead-ers, for the payment of their "travelling expenses" and the like, and considering also, as the Scranton Republican shrewdly suggests, that it is much larger than the need, since the W. B. A. claims a member-ship of 36,000, on which a per capita tax of six dollars ship of 30,000, on which a per capita tax of six dollars would net the neat sum of \$\$10,000. This the mea

would net the neat sum of \$510,000. This the mea should consider before making payment. The trade at this port has been good at weak prices. Vessels havo been in very good supply at the lowest freight quotations. The following is the complete summary of the trade for the past week, as reported for the Potts-ville Miners' Journal of to-day:-

#### 1570. 1871.

PHOTOGRAPHIC. The National Convention of Photographers... The Proceedings This Morn-

The fourth day's session of the Convention of the National Photographic Association began this morn-ing at 10 o'clock. After the meeting had been called to order Mr. M. A. Root exhibited three relics of photography made in the year 1841. Many other curiosities were shown.

shown.

shown. After the transaction of some unimportant matters Mr. Eirod, of St. Louis, spoke of a fraud which he said was practized on every photographer in the country. He said that when a photographer applies to a dry goods or some other establishment and de-sires to reat the third floor for the purpose of taking pictures, he is informed by the proprietor that it could not be done because the presence of such an establishment would increase the rate of insurance. This is a fraud. There is no more danger from fire in the photographic process than any other busi-ness.

The Surveyor of the Board of Underwriters of Louisville has informed me that, after a thorough inspection, there is no particular danger con-nected with the business. He suggested a Mutual

nected with the business. He suggested a Mutual Photographers' Insurance Society as a remedy for the evil complained of. The idea was seconded by Messrs. Lomas, of Wat-kins, N. Y.; Fitzgibbon, of St. Louis; Trask, of Philadelphia, and others, all the speakers referring to the fact that the Insurance companies raised the rates on buildings occupied in part by photograph-ers. A motion to appoint a committee to report on the subject was adopted, and the President ap-pointed Messrs. Elrod, of Louisville, Truxel, of Brooklyn, and Perkins, of Baltimore. On motion of Mr. S. Y. Bell, of New York, the fol-lowing telegram was ordered to be forwarded to New York in connection with the unveiling of the Morse statue:—

Morse statue :-

Morse statue:--The National Photographic Association now assem-bled at Philadelphia, June 10, 1871, '0 A. M., join with united and hearty accord fn homoring New York's favorite son and the world's great benefactor, Professor S. F. B. Morse, famous in art, distinguished in photography, and immortalized in telegraph. ABRAHAM BOGARIUS, Presideut. E. L. WILSON, Secretary. Of course the resolution was adopted, and Mr. Southwood in seconding the motion spoke of that day in 1840, when in a little back attic of a house in New York he made a visit to a man who had since become famous. That man was working away patiently and industriously with a battery, and a drum around which was wound four miles of wire. He had his peculiar alphabet with its dots and dashes in the little room, studying and improving it. This same man had brought from Europe a few months previous the dagmerectype process, and with it he took pictures in this laud before the King of France even knew of it. This man whom the whom the world before the King of France even knew of it. This man whom the whole world honors was no other than Professor S.

F. B. Morse. Mr. Fitzgibbon then moved that three cheers and a tiger be given. This was done with tremendous

It was also decided to send a copy of the despatch

to Mr. Anthony, of New York. Several photographs taken twenty-five years ago were shown by Mr. Dabbs of this city. On motion of Mr. Hawkins a vote was passed thanking the Chairman for the able manner in which he presided over the deliberations. Dabbs received also a vote of thanks.

Mr. Southworth suggested the delivering of half-hour lectures in the ante-room, on subjects con-nected with the art, at the next convention.

The convention passed votes of thanks to the secretaries, and also a vote of thanks to the reporters, the citizens of Philadelphia, and Professor Morton for his lecture on "Light."

The secretary read a communication from Lyman G. Bigelow, in which he expressed his most sincere thanks for the many expressions of appreciation tendered. The Secretary said that he had heard whisperings

The Secretary said that he had heard whisperings around that the committee who awarded the Scovel medial had been tampered with. This is most un-true. No one ever approached the committee. They awarded the medial with conscienciousness, and if an error was made it was not intentional. Mr. Southworth moved that the association accord an honorable mention to the Lennox Glass Com-pany for the perfection to which they have brought the manufacture of norcelain.

the manufacture of porcelain. Mr. Wilson said that he had large experience in skylights and the Lennox Company has made a very improved glass for such purposes. He would like Mr. Southwood to incorporate the fact in his reso-

lation. The suggestion was accepted and the motion

adopted. Mr. Pitman, of Carthage, Illinois, moved that at

THIRD EDITION MATTERS AT WASHINGTON. The Defaulting Disbursing Officer. Politics in New Hampshire. The Legislative Struggle

The Morse Celebration. FROM NEW ENGLAND.

BY ASSOCIATED PRESS. Exclusively to The Evening Telegraph.

The Political Excitement in New Hampshire.

CONCORD, N. H., June 10 .- After an all night's session spent in ingenious parliamentary delay-ings on a call for the previous question on Mr Bingham's resolution to notify the Senate that the House was organized, a vote was reached at six o'clock this morning, and passed by a vote of 148 yeas to 123 nays. The question then re-verted on Mr. Bingham's original motion, to notify the Senate of the organization of the House, which was passed, 147 to 121. Mr. Bing-ham then offered a resolution that the House is now ready to meet the Senate in joint conven-tion to fill vacancies, and moved the previous question. After consultation with the leaders on the Republican side, Mr. Bingham withdrew his motion for the previous question, and it was agreed that no opposition should be made to the resolution, provided that Mr. Scott, Republican, of Keene, be allowed to vote on his arrival today, as expected, and that the ballot shall be kept open until his arrival, or information from him. With this understanding the resolution of Bingham passed without opposition. Mr. 715 A. M. a recess was taken until 10 A. M. Many members were sleeping during the tedious session, and had to be aroused by watchful friends to vote on the questions as put.

## FROM WASHINGTON.

BY ASSOCIATED PRESS. Exclusively to The Evening Telegraph.

The Defaulting Disbursing Officer. WASHINGTON, June 10.-The examination of he accounts of F. A. Macartney, late Disbursing Officer of the Post Office Department, has not yet been completed, but the Postmaster-General is satisfied the deficiency is not more than \$30,000, and that the assignments and the suffi-

Government.

Government Weather Report. Government Weather Report. WAR DEFARTMENT, OFFICE OF THE CHIEF SIGNAL OFFICER, WASHINGTON, June 10-10:30 A. M.-Synop-sis for the past twenty-four hours:-The barome-ter has risen somewhat at the Pacific and Rocky Mountain stations. The area of highest pressure has moved eastward since Friday morning, and now extends from South Carolina to New York. The ba-rometer has entirely recovered in the Eastern States. The failing barometer indicated yesterday morning in the Missouri valley has moved to the north-north-east. with heavy rain from Nebraska and Lakes Huin the Missouri valley has moved to the north-north-east, with heavy rain from Nebraska and Lakes Hu-ron and Superior, followed at the present by clear-ing weather west of Indiana. A severe storm of rain and wind was reported from the coast of Texas on Friday afternoon, and the rain has extended into Arkansas. Easterly winds are at present reported from the Middle Atlantic coast. Southerly winds prevail from Louisiana and Missouri and Ohio. *Probabilities.*—The rain will probably extend up the Mississippi valley, with cloudy and threatening wea-ther from the Ohio valley to Lake Huron to-night. Falling barometer with light winds and increasing calmness is probable for the Southern States. The hazy weather on Lake Ontario will probably spread

hazy weather on Lake Ontario will probably spread over the New Bugland States, with cloudy weather to night. The winds on the upper lakes will probably abate in force.

MALPRACTICE.

Judge Parson's Decision on the Dr. O. W. Reid Case. Continued from the First raps. mony on this might be such that the Commonwealth would feel bound to issue a warrant for her apprehension. Even a nells reacquit by the District Attorney would not be a conclusive discharge. She would still be itable to arrest and trial. Had she been tried and acquitted by a jury the husband might then be a witness against the prisoner, for his testimony could not in that case inculpate his wire." This was evidently an unconsidered case; no authorities were cited by the Recorder, and nis decision lacks the weight of authority.

authority. State vs. Bradley, 9 Rich. Law (S. C.), 168, cited by State vs. Bradley, 9 Kich. Law (S. C.), 168, cited by defendant upon this point, is against him. In that case the husband was jointly indicted with another, but was not upon trial. The wife was admitted to teatify for the prisoner on trial, but was not per-mitted to state anything which would criminate her husband. We have aiready seen that if competent to testify for the prisoner on trial, she was competent to testify for the prisoner on trial, she was competent to testify against him. But, aside from the considerations above noted, what right has the prisoner to object to the testif.

But, aside from the considerations above noted, what right has the prisoner to object to the testi-mony of the witness upon the ground that she is the wife of a co-defendant? The privilege—and it is only a privilege—which exempts the wife is not his. It is properly the privilege of the husband. If the Commonwealth had called Washington Paynter to the stand, the prisoner could not have objected. The witness might have claimed his privilege and de-clined to answer. But that he would have been a competent witness for the Commonwealth, if willing to testify, is too well settled to need authority; and if the husband be competent, why not the wife? I have so far considered only the general rule as applicasie to husband and wife. I propose to go a step further, and examine the exceptions to the rule, and to see whether this case comes within any of the exceptions. It is well known that hardiy a week passes in our criminal Court in which the testi-mony of a wife is not received against her

mony of a wife is not received against her husband. In many instances the husband is convicted and sentenced upon the unsupported testi-mony of the wife. And this it not because such testimony may not impair the harmony of the domestic relations, but because there are other and higher interests which demand that in certain cases the mouth of the wife shall not be closed, even though she epen it only to charge her husband directly with

arise from the necessity of the case, partly for the protection of the life and liberty of the wife, and protection of the life and liberty of the wife, and partly for the sake of public justice. In all manner of offenses involving personal injury to the wife, or affecting her liberty, she has been allowed to testify directly against her husband. Thus a woman is a competent witness against a man indicted for forci-ble abdaction and marriage. If the force were con-tinuing upon her until the marriage, of which fact she is also a competent witness, and this by the weight of the authorities, notwithstanding her subsequent assent and voluntary cehabitation; for otherwise the offender would take advantage of his own wrong. Greenlest, i 348, citing numerous cases. In a case before Mr. Baron Mulloch, where the defendants were charged, in one court, with a conspiracy to carry away a young lady under the age of sixteen, from the custody aplady under the age of sixteen, from the custody ap-pointed by her father, and to cause her to marry pointed by her father, and to cause her to marry one of the defendants, and in another court with conspiring to take her away by force, being an heiress, and to marry her to one of the defendants, the learned indge was of opinion that even assuming the witness to be at the time of the trial the lawfal wile of one of the defendants, she was yet a competent witness for the prosecution, on the ground of necessity, although there was no evidence to supp or that part of the indictment which charged force; and also en ciency of the sureties will fully satisfy the although there was no evidence to support that part of the indictment which charged force; and also en the ground that the latter defendant, by his own criminal act, could not exclude such evidence against himself. Wakefield's Case, 2 Lewins Cr. C., 1. 20, 279; 2 Russ, 605; 2 Stark. Ev., 402 (N), 2d Ed.1 Roscoe's Cr. Ev., 151. In Lord Audley's case, who was tried before the House of Lords in 1631 as a principal in the second degree for a rape upon his own wife, she was permitted to testify. 3 Howell's St. Tr., 402. Upon the trial the following question was propounded to the judges, "Whether the wife in this case might be a witness against her husband for the rape?" and the answer was, "She might: for she was the party wronged, otherwise she might be abe was the party wronged, otherwise she might be abused. In like manner a villein (vassal) might be

a winess against his lor a winein (vasai) might be a winess against his lord in such cases," This case was at one time thought not to be law, but it is now recognized in all the leading text-books. In all cases of personal injuries committed by the husband or wile against each other, the injured party is a competent witness against the other. So in cases affecting the marital rights and duties the

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thorities collected by the counsel for the defendant upon pages 44, 45, 46, of their paper-book, for the reason that this case rests upon different prin-cipies. So far as the evidence shows, the witness, Anne Paynter, did not go upon this stand to testify Anne Paynter, did bot go upon this stand to testify as to any transaction in which she was a guilty party. She had no wish to shield herseif, nor did she de-cline to answer any question upon the ground that it would tend to criminate herseif. The privilege she claimed was for her husband. Nor was she at any time advised by the Ceurt or counsel that she need not testify to the transaction if it criminated her. The privilege which she claimed was not to criminate her husband, and this she perhaps cou-d not waive, as it belongs as much to him as to herself, and was exclusively for his beneft. "When one party, though competent, is not bound to answer a particular question, because it would criminate him, the husband or wife is not obliged to answer the same question." Greenleaf, i 457. None of the cases cited by defendant are cases where husband or wife claimed the privilege not to crimi-nate the other, but are all cases where a witness has claimed the privilege not to criminate himself. But it is not enough to show upon a motion for a

But it is not enough to show upon a motion for a new trial that evidence was improperly rejected. It must appear that the evidence was such as, if ad-It must appear that the evidence was impropenty rejected. It must appear that the evidence was such as, if ad-mitted upon the second trial, ought to produce a different verdict. The Supreme Court have re-peatedly held that they will not reverse for errors which are immaterial, and not affecting the result. In this case it is difficult to see how the verdict could have been different had the questions referred to been answered. If the object of the prisoner was to contradict the witness, it is evident her husband orald not have been called for that purpose, for the reasoft that he was a co-defendant; if some person other than her husband was present, that fact was as well known to the prisoner as to the witness and the former could have called him or her to the stand. The learned counsel evidently assumed that the only person present was the husband of the vitness, from their entire n-glect by a change of the form of the question, to ascertain whether some person, not the husband was there. Such course was open to them had they desired to attack, by such person or persons, the credibility of the witness. Such offenses are not generally committed is the presence of an unneces-sary number of spectators, and I can therefore readiny understand the reason why the learned coun-sel omitted further to cross-examine the witness upon this point. All of the facts connected with the transaction as between the prisoner and the witnes a participant in the offense. I cannot see the witnes a participant in the offense, I cannot see the the prisoner has been injured by this ruling. The other question which the witness doclined to answer upon cross-examination was this:----"Did no the Sunday evening after the Thursday even-ing on which you say the child was born have com-sumation. If material to the defense, it could not be brought out in that way. Nor does the case come within the rule of The People vs. Maame Restell and Barb, 218, in which the courtsay. The witness in fam y in having constant illicit intercourse with one mitted upon the second trial, ought to produce a different verdict. The Supreme Court have re-

must the fact be lost sight of that I owe a dut to society, and one which rises far above any con siderations personal to the prisoner. That dat and the law which I am sworn faithfully to admin later, require that judgment should be entered upo this verdict.

this verdict. There were three reasons filed in support of the motion in arrest of judgment. They were not se-riously pressed upon the argument, and after exa-mination I have no hesitation in saying that none of them is sustained by the law. In view of the importance of the principles in-volved in this case I have su amitted this opinion, and the elaborate paper books of the prisoner and the common wealth, to my colleagues, all of whom concur in the conclusions above indicated. The rule for a new trial is refused, and the motion in arrest of judgment is overruled.

The prisoner was then asked if he had anything

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but of yourself. For the purpose of sordid gain you have violated the law of the land, and you are here to-day to hear its admonitions and to suffer its penalties. The crime of which you have been convicted is

The crime of which you have been convicted is one that strikes at the very foundation of social morals. It is, I regret to say, becoming fearfully prevalent—so much so as to excite remark among very many of our medical men. I am informed that in a neighboring city, upon one of its grandest and most fashionable avenues, there stands a costly mansion enriced by the proceeds of crime similar to the one of which you have been convisted. Every brick of that building is cemented with blood. Its owner rolls along in her carriage and livery, and so far has defied successfully the law which she daily outrages. We do not intend that any such palace shall be erected here. The example of your case, if it has no other good result, will at least inculcate this valuable lesson, that in this city the crime of abortion shall be followed by swift and severe pun-ishment. shment.

You were convicted upon the 21st of January last, and since then have been in prison pending your motion for a new trial. I will take that into account

motion for a new trial. I will take that into account in the judgment I am about to impose. The sentence of the court is that you pay a fine of \$500 to the Commonwealth for the use of the county; that you pay the costs of prosecution; and that you undergo imprisonment in the State Peni-tentiary for the Eastern District, by separate or solitary continement at labor, for the period of six years and five months, and that you stand commit-ted until this sentence is compiled with.

### FINANCE AND COMMERCE.

EVENING TELEGRAPH OFFICE. but not much activity. Prices continue without material change.

The dealings in stocks were large in Reading Railroad, but the rest of the list was dull. City 6s, new bonds, sold at 100@100½, and Lehigh gold loan at 9314.

PHILADELPHIA STOCK EXCHANGE SALES. Reported by De Haven & Bro., No. 40 S. Third street.

The exceptions to the general rule are such as

0	TOLO.				INC.	
Anthracite.	WEEK.	TOTAL.	WEEK.	TOTAL.	DEC	
P. &. R. R Soh. Canal	23,813 2,843	11,086,163	113,561 84,964	971,391 186,055	d114,8 118,1	
L.ValR.R.E. L.V.R.R.Nth	63,525	1.375,361 127,417	85,973 4,479	\$42,885 44,453	d832,4 d82,9	
L. & S. R. B. L. Oanal	21,867 20,498	396,518 100,901	89,239 12,076	309,054 38,604	d87,44 d64,24	
Ser'ton Sthi do Nthi	39,399 16,418	1,026,014	26,868	88,468	d937,5	
Pa.CoalCo do. Canal	25,720	453,820	16,159	42,665 236	d415,5	
D.& H.Cal D.&H.R.R.E	52,720 6,164		87,236	59,521 61,092		
do. do.W do. do.8.	12,063	33,970 165,831	1,918 5,092	19,986 44,117	d672,9	
Pa. Canal WyomingNh.		55,243			55,9	
Shamokin	6,954	132,888	10,519	256,501	178,3 d33,7	
Lykens V.Co. Big Lick Col.	4,766	29,570 14,051	2,263 2,794	29,812 45,781	7,2	
Williamston.	4,442	101,569	6,280	83,148	d17,9	
1.00	314,894	5,827,376 2,804,937	355,997 314,894	2,804,937		
Bituminous,		3,022,439	41,103			
Broad Top B. & O. R. R. Ches. & O.Ca.	6,669 19,956 17,616	197,402 313,945 142,736	8,594 29,409 19,768	158,249 461,623 210,811	80,8 147,6 78,0	
	44,841	584,083	57,771	830,683		
Tot'l,all kind	859,135	6,411,469 3,635,630	418,768 359,135	8,635,930	1.	
		2,775,839	54,638		1	

The following are the prices of coal by the cargo at Port Richmond for the week ending June 9, 1871: at Port Richmond for the week ending June 9, 1571: Schuylkill red ash, \$525@5.50; Schuylkill white ash, hmp, \$425@450; do. do., steamboat, \$450; do. do., broken, \$450@475; do. do., egg, \$475; do. do., stove,\$475@5; do.do., chesnut, \$4@425; Shenan-doah hmmp, \$450; do. steamboat, \$450; do. broken, \$475; do. egg, \$5; do. stove, \$5; do. chesnut, \$425. The following are the current rates of freights from Port Richmond for the week ending June 9, 1871:-Bath, \$250; Portland, \$250; Amesbury, \$275; Braintree, \$280; Boston, \$225@250; Dan-versport, \$240 and dis.; Fall River, \$2; Gloucester, \$250; Medford, \$3; Somerset, \$2@250; Milton, \$250; Nantucket, \$225; Salem, \$225@250; Providence, Manucket, \$2:20; Salem, \$2:562:50; Million, \$2:50;
Nanucket, \$2:20; Salem, \$2:562:50; Providence,
\$1:9062; Warren, \$2; Bridgeport, \$1:75; Norwich,
\$2: New London, \$1:95; New Haven, \$1:75; Morwich,
\$2: New London, \$1:95; New Haven, \$1:75; Norwich,
\$2: Norwich, \$1:25; New London, \$1:95; New Haven, \$1:25; New London, \$1:95; Norwich,

## THE "UNTERRIFIED."

#### They Meet in Secret Conclave and Pick Out the City Candidates.

Yesterday afternoon, at the Washington Hotel, very important meeting of leading Democrats was held to select candidates for the city offices which heid to select candidates for the city offices which are to be filled at the coming election. All the ar-rangements were conducted with the utmost secrecy, in order not to alarm their opponents and the various candidates for the nominations which they were then to unofficially make. Letters of in-vitation were sent to two of the most prominent Democrats in each ward, requesting them to be pre-sent and with but few exceptions they were acsent, and with but few exceptions they were ac-

cepted. Among the "prominent" Democrats present were: -Dr. Nebinger, Second ward; Sam. Josephs, Third ward; Squire McMuilin, Fourth ward; Lewis C. Cas-sidy, Fifth ward; Timothy Sloan, Sixth ward; Lewis Geigan, Seventh ward; Harry Monaghan, Eighth ward; Thomas Fay, Eleventh ward; Lieutenant Thomas (police), Thirteenth ward; Peter Armbrus-ter, Fourteenth ward; William V. McGrath, Fif-teenth ward; George Hetzel, Sixteenth ward; Al-derman Devlin, Seventeenth ward; Thomas Flood, Nineteenth ward; Albert Boligan and Al, Schofield, Nineteenth ward; Thomas Worrell, Twenty-third Twentleth ward: Thomas Worrell, Twenty-third ward; Isaac Leech, Twenty-fourth ward.

Chief Mulholland was present, and, it is said, was the arranger of the affair, and had the invitations distributed through the medium of the police. The following nominations were made unani-

- mously:--For Mayor-James S. Biddle, "District Attorney-Furman Sheppard. "Judge of the District Court-Wm. S. Price.

"Judge of the District Court—Win, S. Price. "City Solicitor—George M. Dalhas. The nominations for Treasurer, City Controller, City Commissioner, Prothonotary, and Coroner were not decided, committees being appointed in each case to wait upon some of the candidates and re-quest them to withdraw in favor of some certain one. The committee on the Controllership is to call upon Mr. E. G. Woodward, Mayor's Cierk, and a strong candidate, and ask him to withdraw in favor of William J. Harolson, but he says "he wont," conscious that he will have the most votes in the convention. convention.

convention. Resolutions, decidedly worded, were adopted, de-claring that no person who had been connected with any of the recent "Commission Bills' which were brought up in the Legislature, or had ever been con-nected with the Building Commission, should ever be a candidate for any municipal office. When the names of John Robbins for Mayor, and Thomas J. Barger for Solicitor, were mentioned, they were quickly dropped, upon a manifest disapproval by the meeting.

by the meeting.

riticism. Agreed to. Mr. Baker, of Buffalo, called up the motion that the election of officers be hereafter by ballot. Agreed

to. The Secretary read a notice that he would introduce a resolution next meeting looking to changes in the Constitution and by laws of the association. President Bogardus here announced the Relief Fund [committee as follows:-Samuel Holmes, of

New York ; Edward Anthony, of New York ; and Mr. Black, of Baston. Black, of Baston. Also, the committee on the Scovel-Holmes medals:-Messrs. Gutekunst, Trask, Moore, Fenuimore, Broadbent, and Collins.

A motion was made to adjourn sine die, and be-

A motion was made to adjourn size die, and be-fore it was put the president said:— T feelthat we have had a good reason. We have take pho-tography more at this than any other session, and have had important papers on our art read. Most of us have have learned something. Some have come here and said they have learned nothing. You must remember one thing if you pour water on a live plant it will thrive, but if you will pour it on a dead one it the faster will rot. Something depends on the man himself, you know. If a man learna nothing, it is because it is his own fault. I now, gentle-men, on leaving you express to you my most sincere thanks for the many acts of kindness shown me. I bid you good-hye.

bye. The convention then adjourned to meet again on the 7th of May. 1872, in St. Louis.

THE MORTALITY OF THE CITY .- The number of THE MORTALITY OF THE CITY.—The number of deaths in the city for the week ending at noon to-day was 292, oeing a decrease of 14 from those of last week, and 14 more than those of the cor-responding period of last year. Of these, 142 were sdults: 130 were minors: 227 were born in the United States, 90 were foreign, 22 were people of color, and 7 were from the coun-try. Of this number, 34 died of consumption of the lungs; 14 of disease of the heart; 2 of marasmus; 10 of old age; 7 of typhold fever; 11 of convulsions; 8 of scarlet fever; 16 of inflammation of the lungs; 9 of congestion of the brain; and 22 of debility. of congestion of the brain; and 22 of debility. The deaths were divided as follows among the different wards:--

	Warás.	Wards.
-	First	Wards. Sixteenth
. 1		Seventeenth 7
1		9 Eighteenth 11
1		2 Nineteenth 25
.		7 Twentieth 38
	Sixth	3 Twenty-first 2
Ý.		2 Twenty-second 6
; ]		9 Twenty-third 11
1		8 Twenty-fourth 7
1	Tenth	4 Twenth-fifth 7
	Eleventh	6 Twenth-sixth 20
	Twelfth.	3 Twenty-seventh
	Thirteenth	2 Twenty-eighth 2 1 Unknown
6	Fourteenth1	1 Unknown 7
	Fifteenth1	9
	Total	

POLICE ITEMS.-Lieutenant McGuffin yesterday arrested John Hamilton, aged 28, at Upland, two miles below Chester, for the theft of a watch and clothing, valued at \$150, from McLaughlin's Hotel, at Broad and Race streets. Alderman Jones com-

mitted him to answer. William Black neglected his long-suffering wife for one Bridget Lally, and was yesterday, upon the oath of his spouse, arrested and held to answer for medlecting her.

neglecting her. Officer English last night found a Charles Shaw "so-so," wandering about a fire near Arch street wharf. He thought himself upon an island, for upon every side that he approached he discovered water. In this maudin state the confused man was taken home.

nome. David Gray, a colored man, dumped a night-cart at Twenty-third and Callowhill streets, for which Alderman Pancoast committed him. Michael McNally, one of his colaborers, discovered his horse exhausted; he resorted to the expedient of putting a noose about his head and tying it to the cart ahead of him, by which means the horse was dragged along and almost strangled. Alderman Pancoast sent him below too.

ATTENTION IS CALLED to the strawberry festival for the benefit of the Homocopathic Hospital, held by the ladies this afternoon and evening at Concert Hall. It is earnestly requested that the friends of the above-bamed institution and citizens generally will avail themselves of this pleasant opportunity of aiding a noble charity while enjoying themselves. Give the ladies a call.

SAD ACCIDENT .- This morning, about 8 o'clock, as a son of the Rev. Charles Henson was crossing Master street, below Broad, he was knocked down and run over by one of the passenger failway cars. His foot was crushed so badly that it was found neces-sary to amputate the limb below the knee.

SPECIAL SERVICES will be held to-morrow in the the Eleventh Street M. E. Church at 10:50 A. M., 4 and S P. M. Mr. Samuel Halstead and the Praying Band, of New York, will have charge. 6:80 out-door services at the corner of Eleventh and Washington

AT FIVE O'CLOCE.-From this date, Messra, Young, Smyth, Field & Co., No. 439 Market street, will close their store at 5 o'clock on all days save Saturday, and on that day at 8 o'clock. This rule will be in force until the 15th of August.

# FROM NEW YORK.

## [BY ASLOCIATED PRESS.] Exclusively to the Evening Telegraph.

The Morse Celebration.

NEW YORK, June 10.—In connection with the inauguration of the Morse statue a complimen-tary excursion, tendered by L. G. Tillotson & Co. to the telegraphic fraternity, took place this morning at 10 o'clock. Fully two thousand telegraphists, including delegates from several States, embarked on the steamer James Fisk, Jr., decorated with flags, and with music by the band of the 55th Regiment. The boat steamed away, followed by cheering from a crowd ashore. The excursionists will return at 1 o'clock and participate in the ceremonies at Central Park.

The Committee of Councils from Phila-delphia

consists of John Fareira, William F. Miller, Dr. W. W. Burnell, W. Fisher Mitchell, N. J. Nead, Shepherd C. Young, Hebner C. Robinson. New York Bank Statement.

NEW YORK, June 10 .- The following changes ap pear in the weekly bank statement just published :-Loans increased. \$2,006,018 Specie decreased ..... 1,073,727

Circulation decreased	228,31
Legal-tenders decreased	499,80
THE OWNER AND TAXABLE AND A DAMAGE	

## FROM NEW ENGLAND.

[BY ASSOCIATED PRESS.]

Exclusively to The Evening Telegraph.

The Political Struggle in New Hampshire. CONCORD, N. H., June 10.-At 11:30 A. M. the Senate and House met in joint convention to fill vacancies. In the Senate the Speaker announced the constitutional candidates to be for district number one, Daniel Moony and W. R. Martin, and called upon the members to prepare their ballots. The Secretary of State made return of the votes for Governor and Councillors, which return was referred to a committee.

## FROM THE STATE.

## (BY ASSOCIATED PRESS.)

Exclusively to The Evening Telegraph. Fatal Accident.

POTTSVILLE. June 10 .- A son of Joseph Derr aged fourteen years, was run over and instantly killed in attempting to jump on a coal train here to-day.

#### Heavy Sentences.

PITTSBURG, June 10.—Oounty Commissioners Mc-Lee and Heely, who pleaded guilty to receiving bribes for granting liquor licenses, were sentenced this morning each to a fine of \$2000 and imprisonment in the workhouse for one year.

### New York Produce Market.

New York Froduce Market. NEW York, June 10.-Cotton steady. Flour steady; sales 9000 bbls. State at \$5:00,36:90; Ohto at \$6:80,36:95; Western at \$5:60,37:25. Wheat firmer; sales 35,000 bushels common mixed Western at 71,66 730; good to choice do. 74(3)75c. Oats steady; West-ern and Ohto at 66,370c; sales 16,000 bushels. Beef dull. Pork firm; new mess, \$15:373(3):575. Lard firm; steam-rendered, 9(3):35; (; kettle, 10); (c. Whisky quiet and steady. Whisky quiet and steady.

## Baltimore Produce Market.

Haltimore Produce Market. BALTIMORE, June 10.—Cotton firmer; we quote middling uplands at 19%@19c%.; low middlings, 18%@18%c. Flour in fair demand and unchanged. Wheat; dull; prime to choice red, \$1:52@1:50; Ohio and Indiana, \$1:50@1:60; choice white, \$1:80@1:90. Corn—Southern white scarce and firm at \$1@94c.; Southern yellow dull at 69@74c. Oats nominal at 70@74c. Mess Pork quiet at \$16:50. Bacon firmer; shoulders, 7%c.; rib sides, \$c.; clear rib sides, 9%c.; sugar-cured hams, 16@17c. Lard steady at 11@11%c. Whisky steady at \$3@94c.

THE PITTSTON	SUFFERERS Additional sub-	
drs. J. S.		\$10 10
Teviously ackno	wiedged	1977

THE BUILDING COMMISSION.—Another effort was made to-day at noon to secure a meeting of the Building Commission. Messrs. Gray, Huan, and Spencer were the only ones on hand.

BURST.-A water-main in Callowhill street, above Front, burst last night and flooded the street.

wife has been held competent. In Nathan's case, 2 Brewster, 149, the wife was admitted to prove both the desertion and the marriage, and such is the con-stant practice in this court in like cases. Upon the like ground of necessity the wife has

been permitted to prove certain secret facts, which no one but herself could know. Thus, upon an ap-peal against an order of filiation, in the case of a married woman, she was held a competent witness to prove her criminal connection with the defendant, though her husband was interested in the event. Greenleaf, sec. 344. Corn vs. Shepherd. 6 Bia. 233. Recent legislation in England, in this State, and many of the other States of this Union, as well as the current of indicial decision, indicate the policy of the law not to be not to impose any unnecessary restrictions upon the competency of witnesses, but to permit questions affecting their interest or pre-judices to go to their credibility. In this State the judices to go to their credibility. In this State the law allowing the parties to a suit to testify has been extended to the parties in a divorce suit. In view of all these facts, for us now to return to the ex-ploded doctrine of Rex vs. Clinger would be to take a retrograde step, without sound reason and an-thority to sustain us. From the authorities cited, we may safely deduce the following rules viz to

the following rules, viz :-First. That although the general rule undoubtedly is that husband or wife may not testify against each other, yet in collateral preceedings they may testify to facts tending to criminate each other. Second. That where upon a joint indictment there is a separate trial, the husband or wife of the de-

fendant not upon trial is not necessarily an incom-petent witness for the Commonwealth. If willing to be examined, he or she is competent, except, perhaps, where the offense is in its nature joint, as

In conspiracy. Third. That while in such cases the husband or wife is a competent witness for the Commonwealth, it is, notwithstanding, his or her privilege to de-cline to testify to such facts as will criminate the other.

Fourth. That husband or wife may testify directly against each other in cases of personal injuries to either committed by the other; and, also, as to facts which are in their nature secret, and affecting the

Person. Applying these principles of law to the facts of this case we shall have no difficulty in disposing of the reasons now under consideration. The witness, Anne McKeon, did not object to being examined.

The reasons now under consideration. The witness, Anne McKeon, did not object to being examined. The objection came only from the prisoner. She was not offered as a witness against her husband or to criminate him in any way, and in fact made no reference to him during her examination-in-chief. The offense was not necessarily joint, and the ver-dict for or against the prisoner could not affect her husband. Except in form, the cases were as distinct as though they were separately indicted. In form it was a proceeding against her husband. In sub-stance the inquiry was purely collateral, for her husband could not be affected by her testimony. Nothing that was said by her, and no judgment of the court based upon her evidence, could ever be received against him upon the trial of the indict-ment charging him with the same offense. This, and uot the form of the proceeding, is the true test of the admissibility of the testimony. But fif is submitted that she was a competent wit-ness for another reason. The offense was of a secret nature, affecting the person of the wife. The in-dictment charges that the crime was committed with the aid of certain instruments and drugs. It involved an act of personal violence to the wife. It is conceded that if an assault and battery had been charged, she would have been competent. But we must look at the substance of the offense laid as well as the form. But even in the latter aspect it is to be observed that the buil charges the offense to have been committed with "force and arms," etc. And this is is matter oilsubstance. Its omission would have been fatal. Nor is there any-thing to show that the witness was a consenting party. In no part of her testimony did she say that she consented to the operation for the purpose of procuring a miscarriage. The evidence does not show that she knew the nature or the effect of the show that she knew the nature or the effect of the procuring a miscarriage. The evidence does not show that she knew the nature or the effect of the show that she knew the nature or the effect of the operation. She says she went to the prisoner's office to be examined. The question whether her object was not to procure an abortion was ob-jected to by the prisoner's counsel, and ruled out by the Court. In the absence of proof, there can be no presumption that she consented to, and was a participant in, a felony. In such case if the month of the wife is to be closed by an inflexible rule of iaw, any wife who could be deceived by her husband, and a corrupt physicias, might have a miscarriage brought on, and the law be utterly im-potent to punish either. Some of the Court charge the offense to have been committed by the use of certain drugs. Any married lady might be made the victim of such a crime as this by the use of the latter means. Surely, if there ever was a case of screet crime, affecting the present of a woman, in which she ought to be at licerty to speak, it is this. Shail we say that a woman may be a witwoman, in which she ought to be at liberty to speak, it is this. Shai we say that a woman may be a wit-ness to prove her marriage in a desertion case—a fact ordinarily susceptible of proof by other wit-nesses—and hold that when her offspring has been destroyed in her womb by her husband and a physi-cian conveniently called in for that purpose, that she is an incompetent witness, not on the trial of her husband, but of the physician? I know of no case in which the rule of necessity before referred to ap-plies with greater force than to the one now under consideration.

The nineteenth reason alleges error in not affirm-ing the prisoner's first point. The point is not set out in this reason, but it was substantially that there was no evidence that the said Anne McKeon was

was no evidence that the said Anne McKeon was pregnant and quick with child, as laid in the fifth, sixth, and seventh counts of the indictment. I declined to say to the jury that there was no such evidence, in which I can see no error. I did not charge the jury precisely as stated in the twentieth reason. On the contrary, I charged as follows:--

follows:--"In order to convict under the fifth, sixth, and seventh counts, the jury must be satisfied from the evidence that Anne McKeon was pregnant and quick with child, and that the illegal acts charged in the bill, or some of them, resulted in the death of the child of which she was quick." I further stated to the jury, in explanation of the term "quick with child," that quickening is the in-cident, not the inception, of vitality. I am unable to see any error in this. It was for-merly held that quickening was the commencement of vitality with the focus, before which it could not be considered as existing. But this view is no longer held by our most eminent doctors. Dr. Gray calls it an "exploded" doctrine. Med. Juris, 183. See also W. & S. Med. Juri, 544-5. Dr. Bech in his excellent work on medical jurisprudence, vol. 1, p. 173, says:-

excellent work on medical jurisprudence, vol. 1, p. 173, says:-""The motion of the foctus, when felt by the mother, is called quickening. It is important to understand the sense attached to the word formerly and at the present day. The ancient opinion, and on which, indeed, the laws of some countries have been founded, was that the foctus became animated at this period, that it acquired a new mode of exist-ence. This is altogether abandoned. The foctus is certainly, if we speak physiologically, as much a living being immediately after conception as at any other time before delivery; and its future progress is but the development and increase of those constitu-ent principles which it then receives." To the same point is Ordia, a very high authority. See Traite de Medicine Legale, Paris, 1845, vol. 1, p. 290.

point is Ordia, a very high authority. See Traite de Medicine Legale, Paris, 1848, vol. 1, p. 236. In a leading English case, in an investigation before a jury of matrons, Ginney, B. said, after tak-ing medical counsel, "Quick with child is having conceived; with quick child is where the child is quickened." R. vs. Wycheriy, 8 C & P., 365. This principle is recognized by Wharton, vol. 4. p. 1230, and is the modern doctrine upon this subject. I have no recollection of the facts referred to in the Sist reason, but presume I gave the jury some information asked for by them when they came back to the court room. I do not see any error in this, nor was this reason pressed upon the argu-ment.

ment. Nor can I see any error in that portion of the charge referred to in the 22d reason. I said to the jury that there was evidence that the foctus was dead prior to the operation, and that in the absence of any such evidence they would have no right to presume its death. The learned and very able argu-ment upon this point has failed to show me wherein I was wrong. The foctus is a living, not a dead thing, and when life has once been shown to exist it is presumed to continue until the contrary is made to appear.

It is presumed to continue until the contrary is made to appear. The 25d, 94th, 25th, and 26th reasons are the many formal ones that the verdict is against the law, the evidence, and the weight of the evidence, have already endeavored to demonstrate that the verdict is not against the law. Careful examination and reflection have failed to satisfy me that it is against either the evidence or the weight of the evi-ence. On the contrary, I am unable to see how the ury could properly have arrived at any other result. Tam not unmindful of the fact, pressed upon me defence, that this case is of suprece import-ance to the prisoner. I am aware that his decision involves the destruction of all the prisoner's hopes in the future, so far as this world is concerned. But it must be remembered hat he has brought this upon himself-mot in any prosecution of a cruel and infamous crime. Nor

\$2000 Phila & E6s., 92%	700 do
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1st mt bds 99%	17 sh Penna R 61%
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NARE & LADNER, Brok	ers, report this morning
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## Philadelphia Trade Report.

SATURDAY, June 10.-Cloverseed is scarce and sells in a small way at S@8%c. Timothy is entirely neglected. Small sales of Flaxseed at \$1.30 per bushel.

per bushel. Quercitron Bark is less active, but the stock is now reduced to a low figure. We quote No. 1 at \$25 per ton. Tanner's Bark is planty and dull. There is very little change to record in the Flour market, the inquiry being light both for shipment and the supply of the home trade. About 900 barrels were disposed of at \$5 25 a5 50 per barrel for super-fine; \$5 50 a6 for extras; \$6 a6 '15 for Pennsylvania extra family; \$6 50 a7 25 for spring wheat do. do.; \$7 a7 50 for Indiana and Ohio do. do.; and at higher quotations for fancy lots. No change in Rye Flour or Corn Meal. Small sales of the former at \$6 57 %. The Wheat market is steady and dull. Sales of 2000 bushels Western red at \$1 60 af 167 and 400 bush-els Indiana white at \$1 69. In Rye no change. Corn is very quiet. Sales of 3000 bushels yellow at 73 a6 46., and mixed Western at 720. Oats are in limited request. 2000 bushels Western sold at 56 a60. Whishy is held with confidence. Sales of 50 bar-rels Western iron-bound at 940.

# JOHN BURNS.

HOUSE FURNISHING DRY GOODS, IMPORTER AND RETAILER OF HOSIERY.

## 245 and 247 S. Eleventh St., Above Spruce.

GAUZE MERINO UNDERSHIRTS.

Gents' India Gauze Shirts, 25, 3756, 59, 62, 75c. up. Cartwright & Warner Gents' Gauze Merino Shirts, Dartwright & Warner Ladies' and Misses Gauze-Merino Vest.

lerino Vest. Ladies' fine India Gauze Vests, 50c. up. Misses Gauze Vests, 375c. up. Gents' full, regular made Half Hose, 20, 25, 30c. up. Gents' Lisie Thread, Balbriggan and Striped Half

lose. Ladies' full, regular made Hose, 25, 31, 35, np. Ladies' open worked and plain Lisle Thread Hose. Ladies' fine Balbriggan Hose. Full assortment Children's extra long Fancy Hose. Children's 5, % and extra long English Hose.

WHITE GOODS-WHITE GOODS.

Satia Striped Pique, 18c. Cord and Figured Pique, 21 to'90c. Victoria Lawus, a specialty. Piald Muslins, Nainsooks and Cambrics, 20c. up. French Muslins, 45, 60, 65, 62, 75c., up. Hamburg and Guipure Edgings and Insertings. Pink Tariatan, \$2375 per piece of 164 yards.

TABLE LINENS, NAPKINS AND TOWELS. Heavy, large size, all linen Huck Towels, 1950. Extra fine bleached Huck Towels, 5275 per dos. Irish, Scotch, and Barnsley Damaak Towels. All linen fast edge Napkins, 500. Buff, red and white Tes Doylles. 9-4 Turkey Red Damask, \$1-10. Bleached and half bleached Table Linens, 400. up-

SHEETING AND PILLOW LINENS.

Linen Sheeting, 65c. up. 4 4 Linens for Ladies' wear, 32%c., up. Honey Comb Spreads, \$1, up. Domet All-wool and Zephyr Gause Flannels. 18

S TOCKS, LOANS, ETC., BOUGHT AND SOLD AT THE BOARD OF BROKERS, BY GEORGE J. BOYD, 4 25 tuths2mrp No. 18 S. THIRD Street.