

ONE MORE DECISION

Outlining the Scope and Defining the Limits of the New Street Act.

CITIZENS WHO PROTEST

Must Make Out a Good Prima Facie Case Before Going to Court.

ADDITIONAL VALUATION SUITS.

Over 300 Oleomargarine Dealers Returned by the Constables.

AN IMPORTANT DAY IN THE COURTS.

Judge McClung yesterday handed down an opinion on the matter of the appeals from the Board of Viewers on the grading, paving and curbing of Aiken, Negley and Stanton avenues and Omega, Keystone, Baird and Lillas streets.

The exceptions filed in the cases were numerous, but the argument before the court was confined to two questions. It was contended, first, that in cases where money had been paid under the void assessments of the unconstitutional act the viewers should take no notice of the fact, and give credit for such payments in their reports.

Where Viewers Have Nothing to Say It was further maintained that although exceptions were based upon matters of fact outside of the record and even contradicted by averments of the report, they need not be sworn to, or at least a mere formal affidavit to their truth was all that was required.

A payment made under the void act cannot be regarded as anything more than so much money paid by the property owner to the city in advance of the assessment. If it is made to appear that they were made, the assessment is made. The viewers have nothing whatever to do with it. The city cannot of course retain and complete the assessment. It must pay to the owner. If the viewers have anything to do with the matter, they have nothing to do with it.

It is true the act requires the court to carefully and strictly review the work of the viewers, and this will not be done. It is in fact to appear that they have reviewed their duty, acted arbitrarily, failed to hear the evidence or complaints of those interested, or made manifest mistakes, or shown incapacity or unfairness in the performance of their duties, will not hesitate to correct the report, or to back to the board or appoint another board.

Location of the Burden of Proof. The Court then goes on to say that parties interested must look after the matter before the report leaves the hands of the viewers, and if dissatisfied with assessments, object and give, or offer to give, evidence to correct the error, and if viewers decide against them, that the burden is on them to show error. The evidence of error must be sufficient to cause the Court to act, and sufficient to overcome the presumption and justice, to which the Court again says it will hold the burden of proof.

Manufacturing Concerns Fail to Enjoin the Equitable Company. In the case of the Seife Foundry and Machine Company against the Equitable Gas Company, Judge Kennedy yesterday refused to grant an injunction restraining the defendant from shutting off the supply of gas for the plaintiff.

Charters Wanted and Granted. An application was filed yesterday for a charter for the Rosella Founding Asylum and Maternity Hospital of the city of Pittsburgh. The trustees of the institution are Charles Donnelly, John D. Scully, C. L. Magee, John Farrell, W. R. Thompson, Richard Pheasant, Stephen Wall, Thomas Hackett, W. J. Brennan, J. M. Guffy and L. D. Porter.

Answer to an Election Contest. Attorney W. J. Brennan yesterday filed in the Quarter Sessions Court the answer of John B. Loughnan to the contest of his election as Select Councilman from the Thirty-third ward. The contestant is Thomas Perry Loughnan, who filed the allegations made in a number of illegals petitions were cast for Perry. Loughnan, it is claimed, was rightfully elected and the Court is asked to dismiss the contest.

Examined for Admission to the Bar. The following gentlemen passed the final examination for admission to the bar at the recent examination: T. L. Goertner, John H. Henderson, F. W. McMullen, H. W. O. McCue, Arthur E. Lehner and C. O. Williams. The latter is colored. Seven of the applicants failed.

NOT IN THE SCHOOLS.

Number of Pupils Not in Line With the Growth of Population, PARTICULARLY IN THE CITIES.

PARTICULARLY IN THE CITIES.

Features Shown in the Report of the State Superintendent.

THE RECOMMENDATIONS THAT ARE MADE.

County School Superintendent Hamilton has received the annual report of State School Superintendent D. J. Waller, Jr., and it contains considerable material for digestion. The number of pupils in the public schools was 969,506, an increase of 4,062, notwithstanding a falling off in Philadelphia of 2,083.

This moves the Superintendent to say that "the dangerous disturbances arising from rapid immigration, and from the crowding of vast numbers of the disorderly and illiterate into our cities, make it one of the most important duties resting upon our citizens to have a statute enacted meeting as far as possible the difficulties already attending compulsory attendance, but providing that every child in Pennsylvania between 8 and 10 years of age must be sent to school, to have instruction and training equivalent to that given in the public schools."

One of the Difficulties Encountered. Speaking of the difficulty of grading schools where families and schools are widely separated, Superintendent Waller states that the plan now on trial in some parts of Massachusetts of having one central building for all the schools of the district, and of providing conveyances at public expense for all children will be watched with interest. The friends of the experiment assert that the expense of conveyance in the present system is excessive and that the plan of one central building for all the schools of the district, and of providing conveyances at public expense for all children will be watched with interest.

CRIMINAL COURT SENTENCES.

The List of Prisoners on the Anxious Seat Cleared Up Yesterday.

Isaac J. Henlein, scilicet lottery tickets, one year to the workhouse; George Martin, same offense, four months; Robert Trent, felonious assault and battery, four years to penitentiary; Henry Brewer, malicious mischief, \$50 and costs; John Gregor, larceny from the person, two years to penitentiary; Mollie Jones, assault and battery, 6 cents fine and costs; James Jones, felonious assault and battery, two months to workhouse; Margaret McClure, illegal liquor selling, \$500 fine and six months to workhouse; William Finberg, receiving stolen goods, six months; Edward Lenhard, immorality, \$50 fine and costs; Annie Binzy, adultery, \$50 fine and ten days to jail.

The Will of the Late B. L. Wood, Jr.

The will of the late B. L. Wood, Jr., has been filed for probate. It is dated May 27, 1889, with a codicil, dated May 29, two days later. His interest in the Monongahela Dredging Company he bequeaths to his brother, W. P. Wood. The balance of the estate is divided as follows: To his mother, one-seventh; to his sister, Mrs. E. N. Lucas, one-seventh; to his sister, Mrs. M. M. Locke, one-seventh; to his sister, Mrs. Ada Prewitt, one-seventh; to his brother, W. P. Wood, one-seventh; to his nephew, B. I. Herr, one-fourteenth, and to his niece, Sarah Wood, one-fourteenth. By the codicil he gives to Mary Herr, then in his employ, \$2,000, and to Elizabeth Wall, also in his employ, \$500. His executors, W. P. and Charles Wood, are directed to open and execute the will in the Allegheny Cemetery and to pay the Safe Deposit Company \$3,000, to be held in trust with which to keep in good condition the lot.

A Suit for Alleged Slander.

Matthew Szeszenak and his wife, Mary, yesterday entered suit in behalf of the wife, against Frank Olesak, for damages for alleged slander. It is asserted that the defendant made statements in the presence of different persons reflecting on Mr. Szeszenak's faithfulness. J. E. Golden is attorney for the plaintiff and issued a capias for the defendant's arrest.

Monday's Trial Lists.

Common Pleas No. 1.—Yatzyk vs Baltimore and Ohio Railroad Company; Spisak vs Baltimore and Ohio Railroad Company; Conser et al vs Thompson Steamship vs Kimberland; Brown vs Huss; Kelly vs Huss; Lucat vs Rodgers.

Briefs of the Courts.

A motion for a new trial was made yesterday in the case of the Parsonsage Oil Company against the High Explosive Company, which was granted. B. F. Ryan yesterday entered suit against Kimberland & Co. and Sheriff W. H. McCleary for damages for the alleged illegal levy and sale of some horses, wagons, etc., belonging to the plaintiff. ELLER MORAN entered a suit yesterday against the Second Avenue Electric Railway Company, claiming \$5,000 damages for an injury received by being thrown from car No. 16 on November 7, 1891. She had her shoulder badly injured.

MANY FAMILY WOES

And Disturbances Occupy the Attention of Quarter Sessions.

SEVERAL DIVORCE SUITS FILED.

One Decree Refused by Judge Sagle in a Lengthy Opinion.

PATHETIC AND AMUSING FEATURES.

In the Quarter Sessions Court yesterday the business yielded an aroma of jealousy, whisky, soapuds and politics, mingled at times with a mother-would-comfort-me-if-she-were-here expression that was at the same time ludicrous and pathetic.

NEW TIN PLATE MACHINES.

A West End Company Goes Into the Manufacture of Machinery for the New Industry—A Pickling Apparatus Which Promises to Do Much.

The Union Foundry and Machine Company, of the Blairsville, Pa. plant, is now in the manufacture of tin plate machinery. At present it is manufacturing a part of the machinery to be used in the Blairsville tin plate mill. It consists of a two-roll long sheet tinning pot, a five-roll improved Morewood pot and a pickling machine.

FROM PITTSBURGH TO CALIFORNIA.

A Pennsylvania Railroad Personally Conducted Tour.

The third tour in this popular Golden Gate series, under the personal escort of the Pennsylvania Railroad, leaves Pittsburgh March 24. Space in the palatial Pullman vestibule is limited to 40 passengers, sleeping, dining, smoking and observation cars, is being taken up very rapidly.

BEFORE THE WRONG COURT.

After a violent controversy between attorney the late Dr. J. E. Hill of Yonkers against Henry Dougherty was dismissed at the cost of the prosecution, the Court refusing to allow Common Pleas proceedings to be conducted in the Quarter Sessions, Dougherty was ordered to pay for the cost of the proceedings.

THE PLACE TO BUY IS AT A HOUSE WHICH IMPORTS DIRECT.

Such a one is the establishment of Edward Grotzinger, 627 and 629 Penn avenue. Nowhere outside of New York City can you get better quality goods at such low prices as at this house. He has all the new patterns and varieties in the leading lines. Over 50 different styles of underwear. Prices range from 75 cents per pair to \$60 per pair.

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GRAND FORMAL OPENING

OF

SPRING MILLINERY

Thursday and Friday, March 24 and 25.



The very latest PARIS NOVELTIES, LONDON NOVELTIES, NEW YORK NOVELTIES. And the magnificent original concepts of our own talented Modistes, which compare favorably with the best foreign productions.

A special invitation is extended to all to attend our GRAND SPRING OPENING.

And the largest, finest and most complete assortment of Millinery Laces and Trimmings every shown in this city.

REMEMBER THE OPENING DAYS, THURSDAY AND FRIDAY, MARCH 24 and 25.

Come and look at the many exquisitely beautiful creations that will be displayed. Every lady will be interested in this, the most important Millinery opening in years.



THE LEADING MILLINERY HOUSE, 510-518 MARKET STREET.

GOOD BUSINESS CHANCES TO ACCOMMODATE THE PEOPLE Who will live at

NOT so far as we can see is this kind of weather to be called gentle spring, but the weather, like everything else, will settle some-time soon.

A few days more and spring, with all its beauty, will be upon us. You don't have to look out for spring styles—we've looked out for them for you, and we've done it with our eyes wide open.

GENTLE-men, ours is the line of clothing you want to see to form an idea of what fashionable, well-made, form-fitting clothing really is. Our own tailors have been at work on them, and if we don't know what you want is, about time we did.

SPRING Suits, Spring Overcoats, Spring Hats and Furnishings are all here. Now is your time to make your selections. Above all things, let us advise you to look at our line of suitings from \$10 to \$15, and at our selection of Spring Overcoats at from \$8 to \$12. Don't fail to see them.

No better location can be selected for those who are interested in building than in this new manufacturing and residence city.

There will be constant work for mechanics and large demand for all material used in the construction of buildings.

Visit Kensington and be convinced of the outlook. Free railroad tickets given there and return. Salesmen always on the ground.

For further information apply at office of The Burrell Improvement Co.,

REMOVAL—THE BURRELL IMPROVEMENT CO., operating the KENSINGTON properties, will remove their offices on April 1 to 79 Fourth Avenue, Hostetter Building, in room lately occupied by the Fort Pitt National Bank.

Clothing, Tailors, Hatters and Furnishers. 954 and 956 LIBERTY STREET.