To the Demand of the District Attorney for \$6,000 a Year.

DISCREPANCY IN THE FIGURES

Quoted by the County Controller and on Mr. Eurleigh's Books.

THE NEWS OF THE COUNTY COURTS

Attorney James Fitzsimmons yesterday filed in Common Pleas No. 2 the answer of Controller Grier to the mandamus proceedings brought by District Attorney Bur-leigh to compel him to pay the District Attorney his salary of \$6,000 per year under the set of 1891, instead of \$4,000 under the act of 1871; to credit him with the full amount of fees earned instead of but two-thirds, and allow as fees the proceeds

from forfeited recognizances. In his answer the Controller first recites his taking the office in January, 1891, and the act of Assembly defining his duties. Continuing, he states that under his sworn duty he has kept and audited the accounts of the District Attorney and has credited him with the entire income of the said office to the present time and has allowed the District Attorney two-thirds of the income of the said office and to the Assistant District Attorney one-third. This, he asserts, is provided for by the act of 1867, which says two-thirds of the fees shall be taxed for the use of the District Attorney and one-third for the use of the Assistant District Attorney. He further states that the fees to which the office of the plaintiff is entitled are fully provided for in the act of May 14, 1857, and the detendant has not in any way interfered with the taxing of such tees or in the allowance of the schedule of fees to the office of the District Attorney, and is always ready and willing to allow the plaintiff all the moneys or sums to which he is in any way entitled. He said further:

Falls Back on the Act of 1861, That the plaintiff, some time prior to the commencement of these proceedings, made application to the respondent for a warrant for his salary for the months of May and June, 1892, at the rate of \$6,000 per annum claiming the said amount to be due him un-der the statutes of the Commonwealth of Pennsylvania. The respondent, under his sworn duties, as duly set out in the act of May 1, 1861, declined to his sworn daties, as daily set out in the act of May 1, 1861, declined to allow him the salary of \$6,000 per annum, believing that under the law the plaintiff was not entitled to such a salary, but that he was entitled to ach a salary for May and June, 1892, at the rate of \$4,000 per annum as provided for by the act of April 6, 1871, which provides that the annual salary of the District Attorney shall be \$4,000. That under section 7 of this act all the officials named in this act, of which the District Attorney is one, and their deputies and clerks shall be paid for their services by fixed and specific salaries, which shall be clarged upon the County Treasurer to the extent of the fees paid in by each officer, respectively, or earned where fees are chargeable upon the County Treasury. If there has not been a sum sufficient from fees received and paid in or earned and due by the county for services rendered to pay the full amount of the salary of the officer holding said office, he shall only receive such proportion of his salary as shall be equal to the aggregate of the fees received and earned during his term in office after paying the deputies and clerks in full, and after also paying the share of the fees due the Commonwealth, and all the moneys accruing from fees above the salaries and the share of the State, shall accrue to the benefit of the county.

Criticising the District Attorney.

Criticising the District Attorney. The respondent further returns that if the fees earned by said office would be amply sufficient to pay the salary of the District Attorney and his clerks. But the respondent avers that the business of the office has not been dispatched as it should have been. This will appear on reference to a schedule of the earnings of the office while conducted by R. H. Johnston, Esq., deceased, from July 1, 1890, to July 1, 1891, and also of that of the plaintiff from July 1, 1891, to July 1, 1892, which is here attached. That R. H. Johnston was not allowed a deputy district attorney as was the plaintiff by an order of your honorable court, and he conducted the business of the said office individually, except as assisted by others called in by himself, and the record shows that in one year he disposed of 2,253 cases, showing the carnings of said office for that year to be \$6,567, and the two-thirds of the fund credited to the District Attorney to be \$6,364 71; that during the vear from July 1, 1891, to July 1, 1892, when the plaintiff had the charge of the office, with the assistance of a deputy district attorney for six months, the number of cases disposed of was \$3,17, showing an increase of only 64 cases over those disposed of time.

The respondent therefore avers that the fres earned by said office would

time.

The respondent therefore avers that the business of the office as conducted by the relator was not conducted with the dispatch requisite for the discharge of the duties of his important office. That the fees carned by the office during the incumbency of Clarence Burleigh, the relator, amounted to \$10,177 65 and the two-thirds of which fund taxable to the District Attorney would be \$6,785 10.

The Question of Forfeited Recognizances. That the amount of for e'ted recognizances collected by the said relator during said year amounted to \$2,808. That there was also the sum of \$1,000 collected at No. 66i, December term, 1889, which amount was not collected by the relator, but was collected by Mr. Davis under a special contract with the County Commissioners and which should not be included in the amount of forfeited

County Commissioners and which should not be included in the amount of foricited recognizances.

That the respondent avers also and respectfully submits to the court that the relator is not entitled to have the amounts collected on forfeited recognizances taxed as fees of the office of District Attorney. That under the act of July 30, 1842, there were certain percentages to be allowed by the court to District Attorneys, but that under the net of 1857 the fees for the office of District Attorney were specifically fixed, and repealing by implication the act of 1872, the District Attorney was entitled to receive 50 per cent of the fees and percentages allowed on forfeited recognizances, still under the statute of 1874 and under the act of March 31, 1875, the entire legislation respecting the percentages allowed on forfeited recognizances in favor of the District Attorney was repealed, and the same is not applicable to the District Attorney That under the act of April 6, 1871, an act specially applying to the county of Allegheny. That under the act of April 6, 1871, an act specially applying to the county of Allegheny, the salary of the District Attorney is definitely fixed and settled, and the salary provided for by the act is the salary of the District Attorney for the county of Allegheny until changed by future legislation.

Places the Salary at \$4,000.

Places the Salary at \$4,000 . The respondent further returns that the salary of the District Attorney of the county of Allegheny is at present \$4,000 per annum. That anything paid into the county treasury coming from forfeited recognizances becoming from forfeited recognizances belongs to the county, and does not in
any way belong to the office of the District
Attorney, and should not be taxed in favor
of the office, out of which salaries of the
District Attorney, Assistant District Attorney and the clerks of the office should be
puid. And the respondent denies that there
is any statute in existence and in force in
the county of Allegheny that will allow the
District Attorney the salary of \$6,000 per
annum.

Your respondent prays that the mandamus prayed for bereiused, with costs to the respondent. Attached to his answer the Controller has

a statement showing the number of cases tried, etc., and fees carned, etc., for the two District Attorney Burleigh, when he learned of the charges contained in the Controller's answer, at once made an examination of his books to see if the figures quoted were correct. He said they were not, and explained why. The Controller, he said, had given him no credit for the many Oyer and Terminer cases he had tried, which include murder, burglary, etc., and in making his calculations the Controller had evidently subtracted the cases in the remanet docket from the total of the Quaryears compared.

GRIER MAKES ANSWER ter Sessions calendar. The result was bound to be incorrect, because the remanet cases disposed of are rarely, if ever, marked A record is kept in the District Attorney's office showing all the cases tried and the disposition of every case.

A Difference in the Records. This record instead of showing but 64 cases in favor of District Attorney Burleigh showed a difference in his favor of 465 in excess of his predecessor. In addition

in excess of his predecessor. In addition during Burleigh's term many cases of importance were tried, taking many days each, such as the Fitzsimmons case, Wyman and Hastings case and others. There were also more homicide cases tried than in any previous term in this county, all of which required much time.

"As to the Controller finding fault," Mr. Burleigh said "because the District Attorney does not try more cases, and by so doing so increase the amount of his fees that he will be able to pay his clerk hire and himself, how in the name of all that is fair can he be expected to try cases when there are none to try? As long as he keeps up with the procession, and the business of the Court is properly disposed ness of the Court is properly disposed of, he keeps perfect faith with the public. of, he keeps perfect faith with the public. At present there is not a case that can be tried now. Every case possible has been tried and there is not a person in jail with an indictment over his head. Everyone charged with crime in that prison is awaiting the action of the September Grand Jury."

The case will come up for argument today in Common Pleas No. 2

SETTLING AN ESTATE.

Dividing Up the Proceeds of Valuable

Down-Town Property. William M. McGill yesterday filed his report as auditor appointed to prepare a schedule of distribution of proceeds derived from the sale of property belonging to the late W. E. Schmertz. It consisted of two pieces of property, one on Fifth avenue and the other on Virgin alley. They were sold by the Sheriff on executions issued against Schmertz and brought \$95,500.

Exceptions to the Sheriff's distribution of

the proceeds were filed and the Auditor appointed to prepare a schedule. After passing on the exceptions he finds that after deducting money paid by the Sheriff on actribution on judgments \$74,466 07. Of this Amelia A. Schmertz gets \$36,583 45 and E. M. Quimby \$22,907 and \$14,238 66 on two judgments. The balance went for costs.

Winding Up a Partnership.

Mary J. Holmes, trustee for use of William Holmes, filed a bilt in equity yesterday asking for a settlement of the partnership between William Holmes, R. C. Holmes and R. C. Rowlen. The partnership was formed in 1884 and the firm was engaged in the commission business, but there has never been a settlement of the business. The amount in value is \$8,000.

Wants to Complete the Purchase.

James Hardie made arrangements some ime ago for the purchase of a lot in the Fourteenth ward from Moses Shelton for \$2,300, and made a partial payment on it. He is now willing to pay the balance, but Shelton refuses it. Hardie filed a bill in equity yesterday asking the Court compel a transfer of the title.

The Mt. Troy Dummy.

Informations were yesterday made before Alderman McKelvey, of Allegheny, against two more boys who assisted in placing the stuffed man on the tracks of the Mt. Troy electric line last Saturday evening. The warrants will be served this morning in time to have the boys present at the hearing of John Beck, the first boy arrested.

LATE NEWS IN BRIEF.

-Cholera has reached Servia. business of the office of District At-torney was conducted properly, the -It is denied that Lord Stanley, Governor

General of Canada, will resign. -The total vote of Ireland stands: For home rule, 315,329; against, 73,979. -Rumored that Cour d'Alene strikers have sworn to kill 30 leading mine owners. -The reports of a revolutionary outbreak in Honduras have been officially confirmed. -Later reports say the Italian steamer which was run aground near Rio Janeiro is

—It is again reported that Crespo, the Venezuelan revolutionist, has suffered a crushing defeat.

—Rev. John Edwards, rector at Essedden, England, has fled to avoid arrest for acts of gross indecency. -Drouth sufferers of Zavalla county, Tex., have appealed to the Governor and the State for aid.

—The Welsh schooner Argo foundered off Douglas, Isle of Man, Wednesday. Three of the crew were drowned.

—Mrs. Archie Mackay, of New York, is the most noted member of the "divorce colony" at Sioux Falls, S. D., at present. —A company of engineers have been or-dered to St. Johns, N. F., to level dangerous walls standing since the great fire. —What is supposed to be human ashes at a funeral pyre have been discovered in the fatal Fourth of July canon in Idaho.

-Governor Chase and 15,000 people attended the unveiling of a county soldiers' monument at Winchester, Ind., yesterday. —A sporadic case of cholera resulted fatally at Saginaw, Mich., Tuesday. The victim was a recent arrival from Scotland. -The Municipal Council of Paris has approved the proposed vote of 200,000 francs for the expenses of Paris' representation at the World's Fair.

—Mr. and Mrs. Edward Heyd, of St. Louis, were Wednesday swindled out of \$40,000 by two Frenchmen, who induced them to draw the money from the bank.

—Paris police have discovered an Au-archistic plot to blow up the Bourse and other public buildings. Two of the conspi-rators have been arrested. The official thermometer of the United States Weather Bureau at Yankton recorded 101° yesterday. Only four times in 19 years has the record been higher.

—Jack Allan and Mrs. Hebden, of Mon-treal, who have been at a fashionable family hotel at San Francisco as J. S. Adams and wife, of Quebec, have slipped away. —Councilman R. P. Strain, of Toledo, one of those indicted last week, resigned Wednesday night. It is probable that most of his associates will follow suit to-day.

There was considerable rioting in New Tipperary, Ireland, Wednesday night, due to a collision between mobs of Redmondites and McCarthyites. Several houses were —A heavy thunder storm struck Dickey county, S. D., Wednesday night. Mrs. T. H. Bunker, of Ellendale, was instantly killed by lightning. William Uecker lost his barn and six horses, which were burned by lightning.

—Sheriff H. R. Welker, near Ionia, Mich., was bitten by a dor a few days ago and he was pronounced hopelessly insane. He will probably die. He is determined to be at ifberty in order to capture some law breakers.

day at a crossing in Newark, N. J., with a truck, in which were seated James Burns and two boys. The two boys were instantly killed and Burns so seriously injured that he died last night.

-J. M. Allen, of the firm of Andrus & Doty, diamond importers, New York, is worried over the loss of an alligator satchel which he says contained about \$12,000 worth of diamonds and jewelry. The loss occurred at Long Branch. —George Bartels, Jr., who for 1½ years has been the paying teller of the Central Trust and Savings Bank, Chicago, has disappeared and with him \$1,00 of the bank's money. Betting on the races and bad associates are assigned as the cause of his downfall.

Th Bulgarian Government's organ, the Scoboda, publishes a communication from the Russian Legation at Bucharest to the Russian Foreign Office, showing that every movement taken against Prince Ferdinand, of Bulgaria, is directed, paid for and instigated by Russia.

gated by Russia.

—The World's Fair managers are surprised at the reports from Washington regarding the efforts being made by Messrs. Devin and Hayes, of the Knights of Labor, to bring complaints against the management before the World's Fair Committee of the House of Representatives.

—A tornado visited Gettysburg, S. D., Thesday night, destroying the Methodist Church, two schoolhouses, several dwellings and 15 business houses. Mrs. William Herrington and her two children were crushed to death. The same storm blew down ten buildings at Woolsey, 75 miles away.

—The new term of office of President

The new term of office of President Diaz, of Mexico, which begins in December, will probably be characterized by important fiscal reforms, including economies in administration, cutting off all expenses which are not absolutely necessary and lowering custom duties, especially on raw material.

—A large number, presumed to be a majority, of the Lower Brule Indians, have abandoned their reservation and gone south of White river into the Rosebud reservation, and declare they have drawn their last ration at Lower Brule. They will probably be met by Major Wright's Rosebud police, if it is possible to do so.

if it is possible to do so.

—E. G. Spafford, who is wanted by the Chicago police for a large embezzlement, is under arrest at Portland, Me. Spafford was at one time an operator on the open Board of Trade. He was indicted by the June grand jury for embezzlement, a Miss Baker, of Boston, being the complainant. She alleges that he swindled her out of \$10,000. Spafford moved in the best society circles.



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liar to women.

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It takes the place of hog's Lard which is a notoriously unhealthy food. A purely vegetable product-delicate, digestible, and economical -onetrial gives CottoLENE a permanent home in every kitchen, whence it increases the health and enjoyment of every member of the family. Try it for yourself.

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KEW ADVETISEMENTS



That People Speak Well of HOOD'S. Mr. R. J. Brundage of Nowalk, Ct., of the firm of Buxton & Brundage, expressmen, 159 Main street, writes his experience below: "For a long time I have been troubled with a weak

Mr. R. J. Brundage. stomach, followed by Indigestion and Dyspepsia A short time ago I began taking Hood's Sarsaparilla and took three or four bottles. Resuit, I have not felt so well all over for
years. My food seldom troubles me now.
My sister, who was troubled about the same
way as myself, took Hood's Sarsaparilla
with very pleasing results. I do not wonder
that patrons all along the line speak so well
of

Hood's Sarsaparilla. Don't see how they can help it." R. J. Brun-page, Norwalk, Ct.

HOOD'S PILLS act easily, yet promptly and efficiently on the liver and bowels. OIL WELL SUPPLIES.

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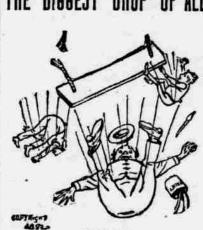
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The Following Got Their Purchases Free Yesterday:

Mrs. E. Terry, Federal st. Mrs. Margaret Smith, M Vickroy st.
Fred Shoup, Etus, Ps.
Miss M. Miller, Redman's Mills, Pa.
J. M. Gorman, Boyer's warehouse, city.
R. A. White, Alliance, O.
H. Stiefel, New York.

Mrs. George Breed, 234 Edwin st. D. K. Yoder, Oakmont station, Pa. Miss Etta Sallyards, 162 Fourth ave. Mrs. F. Loch, 195 Lowry st., Troy Hill, All'y Mrs. S. J. Brown, Rowand ave., E. E. Mrs. Edward Jones, Hannastown, Pa. J. W. Kline, Monongahela House. Mrs. G. W. Penn, Carlisle place, Fifth ave.

Miss Jennie Bown, 603 Smithfield st. A. N. Trimble, 25 Meriden st. Mrs. Henry Mathews, 4218 Calvin st. Mrs. John Stewart, Craft ave., E. E. Mrs. W. H. Taylor, 329 Craig st. Mrs. Henry Mathews, 4218 Calvin st. Mrs. Patton, Sheffield st., Allegheny. James Coulter, Jeannette, Pa.

Mrs. E. Beilstein, 104 First st., Allegheny. Mrs. J. Cromby, McDonald, Pa. C. P. Meyers, Meyersdale, Pa. Albert Ginter, Tarentum, Pa. Mrs. J. Swift, Ross st., Wilkinsburg. Miss Margaret Matlack, Braddock, Pa. Mrs. M. Biack, Crafton, Pa. A. McCondille, 958 Second ave.

Mrs. I. N. Hughes, Canonsburg, Pa Mrs. M. Cribbs, Rodman st., E. E. Miss Mamie Diamond, 2004 Penn ave. E. B. Klingenemith, Greensburg, Pa. Mrs. J. W. Johnson, 31 Marketst., Allegheny G. C. Bond, Fifth st., Beltzhoover borough. Mrs. Mary Ferle, Sharpsburg. J. D. Impson, Homestead, Pa. Mrs. J. W. Gunning, 176 Robinson st., All'y. C. L. Little, Sewickley, Pa. C. Reichenbach, Squirrel Hill. Miss M. E. Hill, Walnut st., Wilkinsburg.

Miss May Irvin, De Soto st, Mrs. W. G. Richardson, Brushton. Mrs. M. Conley, Eleventh st. James Fenton, Banksville, Pa. Mrs. M. Taylor, 24 Mission st., S. S. F. Speyer, 67 Jackson st., Allegheny. Miss J. Rankin, Essen, Pa. M. Kelly, 76 Locust st. Miss Whitney, 222 Federal st. T. Fark, 75 Dawson st., Allegheny. L. Smith, Cherry alley and Liberty st.

B. Jones, Idlewood, Pa.

P. J. Gordon, Homestead, Pa. M. K. Grupen, Howley ave. W. Stirkle, 848 Cedar st., Bloomfield. W. Stirkle, 36 Cedar St., Bloomield. P. Kramer, 376 Forbes st. Mrs. L. D. Ians, Sheriden, Pa. John W. Grove, 4237 Fifth ave. Charles McNeal, Juliet st., Oakland. Miss Laura Brown, McKeesport, Pa. Mrs. C. S. McConnaughey, 622 Logan st. Mrs. A. G. Layman, Idlewood, Pa. Miss Mary Parker, 259 Federal st., All'y, Mrs. George Heller, New Lisbon, O. E. R. Engemann, 26 Carson st., S. S. Mrs. Mary Newlin, 488 Fifth ave. Mrs. Wm. Dougherty, 5th ave. and P. B. B., E. L. Miss Nannie McEwen, Chattanoogs, Tenn, Mrs. F. A. Black, 7 Fulton st., Allegheny, Mrs. C. L. Bingler, Second ave., Hazelwood, John A. Brickley, 551 Grant st. Miss Mary Hughes, Ninth st., Braddock, W. O. Amsler, 5510 Margaretta st. Mrs. S. Davies, W. Liberty borough. Miss Grace Hunnings, Bellevue, Pa. Miss Kate Gavin, Summitville, O. Miss Rate Gavin, Summitville, O.
R. Robinson, Homestead, Pa.
Miss Elba Sefton, Ridge st., Minersville,
Mrs. F. Killian, 124 Larimer ave., E. E.
Mrs. Wm. Moreland, Avalon, Pa.
Niss Clemmie Dittler, 12 Reed st.
Mrs. John Davis, McDonald Pa. Mrs. A. C. Partridge, 33 Monongahela st.,

Hazelwood. Miss Alice Beckman, 609 Fifth ave. Mrs. Hugh Doran, Uniontown, Pa. Elmer Jahn, 240 Meyran ave. W. B. Edelblute, Baldwin township. F. B. Moshet, 149 Meadow st. I. Feldman, 31 Chestnut st. George B. Field, Detroit, Mich. Mrs. J. K. Shanahan, 33 Federal at, John Grabing, 141 Fourth ave. L. Feldman, 31 Chestnut st. Mrs. A. Coyne, 117 Forbes st. Harry Goehring, 3433 Penn ave. Miss Edith Zirckel, 44 Reed st. Charles Farnsworth, Braddock, Pa. Mrs. H. M. Carpenter, 7125 Hamilton ave. E. E. T. Mahaffey, 60 Craig st., All'y.
John Unsold, 46 Chestnut st., Allegheny.
Miss Louisa Eversmann, 320 Soho st.

John Scott, Dinwiddie st. Miss Mary Morrison, 257 Forty-first st.

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