PRIOE THREE CENTS.

## VOLUME XXIII.—NO. 248.

CARTH CLOSET COMPANY'S COM-MODES and apparatus for fixed closets, at A. H. FRANCISCUS & CO.'s, 513 Market st. de2itu th s30ts

WEDDING INVITATIONS ENgraved in the newest and best manner. LOUIS DREEK Stationer and Engrayer, 1032 Chestnut fe20 tf DIED.

DIED.

JONES.—On the 24th inst., Blary Jones, relict of the late Solomon Jones, in the 85th year of her age.

The relatives and friends of the family are invited to attend the fundraf. Item the residence of her son, George Jones, corner of Knox and Linden streets, Germantown, on Sixth day, the 28th inst., at 2 o'clock P. M., without further notice.

PAULDING.—On the 25th inst., Theophilus Paulding, formerly merchant of this city, in the 38th year of his age.

Funeral from his late residence, Darctown, Salem county, N. J., on Saturday morning, 29th inst. Train for Darctown leaves the Opper Market Street Ferry at 8 A. M. and returns at 33 F. M.

SHINN.—On the 25th instant, Charles H. Shinn, in the 60th year of his age.

His relatives and friends are respectfully invited to attend the funeral, irom his late residence, Haddonfield.

N. J., on Friday, January 28, at 11 o clock A. M., without further notice. Interment at Colestown Gemetery, Train leaves Vine Street wharf for Haddonfield at 19.15 A. M.

SMITH.—At Warwick House, London, on the 23d

and daughter of the late Andrew Parsons, of Paterson, N. J.

THOMAS.—Suddenly, on the 25th instant, Laura C., youngest daughter of John W. and K. S. Thomas, in the 1sth year of her age.

The relatives and friends of the family are invited to attend her funeral from the residence of her parents, Chelten Hills, on Friday afternoon next, the 25th Inst. Services at St. Paul's Church, Cheltenham, at 2½ o'clock. Train leaves North Pennsylvania Railroad Depot for Old York Road Station at 1½ o'clock. M. THOMPSUN.—On Fourth-day morning, 25th Inst., of Bronchial consumption, Charles E. Thompson, in the 49th year of his age.

His friends and those of the family are respectfully invited to attend his funeral, from his late residence, Hill Wallace street, on Seventh-day morning, at 11 o'clock, without further notice. To proceed to Cedar Hill Cometery, The Paters and Marchantville, N. J., on the morning

TRIPLER.—At Merchantville, N. J., on the morning of the 27th inst., Frederick Homer, son of Jacob L. and Louisa Tripler, aged 17 months.

TRUELITIT.—Ou the 28th inst., Frances V., wife of L. A. Truefitt, and daughter of the late George and iza H. Vaux. WINN.—At Muscatine, Iowa, on the 25th instant, El-tt Winn, formerly of this city, in the 29th year of te age. Wister H. At Rio Janeiro, Dec. 11th, 1899. Lottie Wister, aged 19, wife of Joseph Wright, of Baltimore, and second daughter of Admiral Charles A. Poor, S. N.

RESSON & SON, NO. 918 CHESTNUT DESSON & SON, NO. 918 CHESING:

b street, received to-day—
c cases White Ground Spring Chintzes, 12½ cents.
I case Black and White Chintzes, 12½ cents.
I case Black and White Delaines, 22 cents.
I case Black and Purple Delaines, 22 cents.
I case Black oriental Lustre, 25 cents.
I case Gros Grain silks, 81 62½
2 cases Lyons Gros Grain silks, 81 75 and 82.
I case English Crape Velle, largest size.
I case Black all wool Poplins, 75 cents.
I case Black wool Formans, 75 cents.
I case Black Mixed Water-proof Cloths, 81 25 and ja21 65.

FASHIONABLE BLACK POPLINS.

DOUBLE CHAIN MOHAIB.

STAG BRAND ALPACA.

SUPERIOR BLACK BIABITZ.

FASHIONABLE BLACK SILKS.

EYRE & LANDELL, FOURTH and ARCH Streets.

SPECIAL NOTICES.

JOHN WANAMAKER,

FINEST

CLOTHING ESTABLISHMENT.

818 AND 820 CHESTNUT STREET.

**BOYS' CLOTHING** 

GENTLEMEN'S FURNISHING GOODS.

ACADEMY OF MUSIC. THE STAR COURSE OF LECTURES. SECOND SERIES. OPENING LECTURE BY

WENDELL PHILLIPS,
MONDAY EVENING; January 31.
Subject—The Questions of To-inorrow.
PETROLEUM V. NASBY (D. R. Locke), February 3.
Subject—The Lords of Creation.
RALPH WALDO EMERSON, February 7.
Bubject—Social Life in America.
Rev. E. R. CHAPIN, D. D., February 19.
Subject—The Roll of Honor. Subject—The Roll of Honor. GEO. W.M. CURTIS, February 24. Subject—Our National Folly—The Civil Service. Prof. HENRY MORTON, February 25. Prof. HENRY MORTON, February 28.
Subject—Bolar Eclipses.
BAYARD TAYLOR, March 3.
Subject—Heform and Art.
Subject—Heform and Art.
Subject—French Folks at Home.
Prof. ROBERT E. ROGERS, March 24.
Subject—Chemical Forces in Nature and the Arts.
ANNA E. DICKINSON, April 7.
Subject—Down Breaks.

MT Admission to each Lecture, 50c. Reserved Seats, 76c. Tickets to any of the Lectures for sale at Gould's, No. 923 Chestnut street, from 9 A. M. to 5 P. M. ia25-tf

ANNIVERSARY OF THE MERCHANTS' FUND.—The stateguth anniversary
of the Merchants' Fund will be celebrated at the
ACADEMY OF MUSIC,
On WEDNESDAY EVENING, Feb. 2, at 7½ o'clock.
The annual report of the Board of Managers will be
ead, and addresses will be delivered by
Hon. WILLIAM STRONG,
Rev. J. L. WITHEROW,
Hon. JAMES R. LUDLOW,
GEORGE H. STUART, Esq.
The orchestra will be under the direction of MARK
HASSLER.
Cards of admission may be had gratitously, by early
application at S. E. corner Third and Walnut streets,
No. 110 North Delaware avenue, No. 616 Market, street,

No. 110 North Delaware avenue, No. 616 Market streets No. 51 South Fourth street, or of either of the following

WILLIAM C. LUDWIG, JAMES C. HAND, A. J. DERBYSHIRE, THOMAS C. HAND, JAMES B. McFARLAND, Committee of Arrangements.

AT THE ANNUAL MEETING OF AT THE ANNUAL MEETING OF
THE STOCKHOLDERS OF THE CONTINEN.
TAL HOTEL COMPANY, held on January 17th, 1870,
the following named gentlemen were unauthously
elected Manugers for the ensuing year:
JOHN BICE.
JOSEPH B. MYERS.
DANIEL HADDOCK, JR.
JAMES H. ORNE.
At a meeting of the Board held on January 19th,
JOHN RICE was unanimously re-elected President, and
J. SERGEANT PRICE, Secretary and Treasurer.
J. SERGEANT PRICE, Secretary Secretary.

ja19tfe2rp

NOTICE.—THE DELAWARE AND RARITAN CANAL. COMPANY AND THE CAMDEN AND AMBOY RAILROAD AND TRANSPORTATION COMPANY.

On and after February let, 1870, the Stockholders of the above Companies, of January 15th, 1870, are entitled to a dividend of Five (5) per cent., payable at 111 Liberty street, New York, or 206 South Delaware avenue, Philadelphia.

TRENTON, N.J., January 17th, 1870.

ja18 12trp RICHARD STOCKTON, Treasurer.

OFFICE OF THE DELAWARE AND RABITAN CANAL AND CAMBEN AND COMPANIES. COMPANIES.

PHILADELPHIA, Jan. 6, 1870.

The holders of the new scrip in the above Companies are hereby notified that the time for paying the last installment will expire February 10, 1870. At any time before that date it may be paid by those holding the receipts of RIOHARD S. TROWBRIDGE, Cashier, or F. B. CONOVER, Transfer Agent, on The Death of the same, on the back of the receipt for first installment.

Jall-1697p RICHARD STOCKTON, Treasurer.

SPECIAL NOTICES. 13

MÆNNEROHOR GRAND BAL MASQUE. BAL MASQUE, BAL MASQUE.

AMERICAN ACADEMY OF MUSIC. JANUARY 27TH, 1870.

Tickets for one gentleman and one lady, \$5; for sale at Andre & Co's, 1104 Chestnut street; the News Stand, at the Continental Hotel; Hall of the Junger Mannarcher; J. P. Trau's Jewelry Store, Second and Coates streets. Trumpler's Music Store, 222 Chestnut street, and Henry Nusa's Store, 229 North Eighth street, Extra Ladies Tickets, \$1. Also Spectators! Tickets at 50 cents.

CITIZENS' ASSOCIATION FOR ROADS OF PHILADELPHIA.

At the meeting for the erganization of the Board of Directors, held on FRIDAY, January 21, 1870; the following officers were elected.

Directors, held on FRIDAY, January 21, 1870; the following officers were elected.

BAMUEL B. THOMAS, President.

WILLIAM V. STEVINBON, Treasurer.

EDWARD SHIPPEN, Secretary protem.

Those desiring to become members of the Association are invited to call at the office, No. 431 WALNUT STREET, or give their names to the collectors, who have been appointed, and who are invited with authority signed by the officers to receive subscriptions and to give receipts for the same.

ju26w,f.m6tj SAMUEL B. THOMAS, President.

jn26w,f.m6f§ SAMUEL B. THOMAS, President.

OFFICE PENNSYLVANIA RAILROAD COMPANY.

PHILADRIPHIA, January 25, 1870.

NOTICE TO STOCKHOLDERS—The annual meeting of the Stockholders of this Company will be held on TUESDAY, the 15th day of February, 1870, at 10 o'clock A. M., at the Hall of the Assembly Buildings, S. W. corner of Tenth and Ohestnut streets, Philadelphis.

The annual election for Directors will be held on MoNDAY, the 7th day of March, 1870, at the Office of the Company, No. 235 South Third street.

JOSEPH LESLEY, ja25tfeltrp\$

Secretary.

JOSEPH LESLEY,
Secretary,
TO CONSUMERS OF GAS—REThe Board of Trustees of the Philadelphia Gas
Works have reduced the price on all gas consumed by
private consumers, on and after the lat day of February
next, twenty-five cents per thousand, making the price
two dollars and thirty cents per thousand cubic feet.
THOMAS R. BHOWN, Engineer.
PRILADELPHIA, JAN. 27, 1870.
THE FIDELITY INSURANCE,
PHILADELPHIA, January 27, 1870.
The stated Annual Meeting of the Stockholders of this
Company will be held at its Office, Nos. 329 and 331
Chestnut street, on TUESDAY, the 8th day of February next at 12 o'clock M., for the election of a Board
of Directors for the ensuing year and for the transaction of such further business as may come before
them.
R. PATTERSON.
Secretary. them. \_pa27 t feb

Decretary.

CENTRAL PRESBYTERIAN

Church (Eighth and Cherry streets.)—Special redigtons services this Wednesday) evening and Thursday
evening, at 8 o'clock. Preaching by the Rev. B. H.
Allen, D. D., and Rev. Herrick Johnson, D. D. Prayer
meeting at 7½ o'clock. The public are cordially invited
to attend these services.

TURKICH BUSSIAN AND PERFUMED BATHS, Departments for Ladies. Baths open from & A. M. to 9 P. M.

HOWARD HOSPITAL, NOS. 1518
ase 1520 Lombard street, Dispensary Department.
Medical treatment and medicineful ruished gratuitously
to the near

## AMUNEMENTA

-At the Arch Street Theatre, this evening, Mr. John Brougham will appear in his comedy Flies in the Web. To-morrow night he will have a benefit in a good bill. On Monday Mr. Brougham's sensational drama The Red Light will be presented for the first time. We have been furnished with the following

sketch of this play:

"The scene of the play is laid in England, where 'Paul Maynard,' a rich young man, of rather feeble intellect, with a disposition to insanity, has a boat-house on the lake, to which he allures 'Ned Macdermot' with the intention of taking his life on the suspicion that he loves and is beloved by 'Lady Arlington,' who is betrothed to 'Paul.' The coolness of 'Macdermot' prevents a catastrophe; and while explanations are given and received 'Lady Arlington's' brother, 'Dr. Bayne,' ar rives, and learns the hiding-place of a will made by the partially insane man—a will drawn by a tool of the doctor's—settling all his property on his wife that is to be; he also learns that Paul May be; he also learns that 'Paul Maynard' has a superstition that the red light is a forerunner of disaster to his family, and contrives a plan to confirm the insanity already developed, by lighting this at a time when it will seem as if done by supernatural means. The scheme has the effect intended, and when 'Macdermot' attempts to fathom the mystery by rowing to the boot house he falls into the hands of 'Dr. Bayne,' who stuns him, and then attempts to deprive him of his life by poison, which design is frustrated by 'Annie Steele,' who, warned by 'Mrs. Holmes,' a former victin of the villain 'Bayne,' interferes just in time to save him.

just in time to save him.

In the meantime, 'Paul Maynard' is insidiously worked upon by 'Bayne,' involuntarily assisted by 'Mrs. Holmes,' who turns out to be 'Annie's' mother, by whom she had out to be 'Annie's' mother, by whom she had been deserted years ago, and with whom she is in close companionship without daring to reveal herself. Irritated beyond endurance by fancying that 'Lady Arlington' purposes driving her daughter away; and moreover, startled into an explanation by the unexpected appearence of 'John Steele,' her husband, and his determination to separate her from 'Annie,' wha turns upon 'Lady Arlington' declares her she turns upon 'Lady Arlington' declares her brother to be the robber of the boat-house and the would-be murderer of 'Macdermot accusing her also of being his lover, just at the instant when 'Paul,' full of joyous antici-pation at his coming marriage, enters the room. This sudden accusation has the effect of unsettling his reason, and he becomes in-

stantly insane.
"Two years are supposed to clapse, and "Two years are supposed to empse, and 'Paul' shows no symptoms of recovery from his mental aberration. 'Macdermot,' however, having ascertained that a severe shock, similar to that which produced the malady, the beauty with temptines. had been known to do away with it, contrives to reproduce the scene wherein 'Paul's' in-sanity was first developed. The result is sat-isfactory. The red light reappears and 'Paul's' memory returns."

-At the Walnut this evening the drama Not Policeman No. 89.. James Diggens....

tain Butts, of the Steamship Melbourne. W. Lomas by, a Street Waif. P. J. Wade weboy. Julian Reed Alice Heron...... Lady Euphemia. At the Chestnut Stseet Theatre this evening the comic opera The Little Duckess will be given for the last time. It has improved wonderfully, now that the performers have become more familiar with it. To-morrow night Mr. Whiftin will have a benefit in an uncommonly attractive bill. There will be a matinase on Saturday, when A Maryinga by matinee on Saturday, when A Marriage by Lanterns and Les Deux Avengles will be prePHILADELPHIA. THURSDAY JANUARY 27, 1870.

ART IN NEW YORK. Our art-reviewer sends us the following additional notes from Manhattan: New York, Jan. 24.—The most extraor dinary stagnation has supervened in the picture trade. None of the great houses are doing anything, and the most tempting Paris fashions in paints are spread unnoticed before the dilettanti here. The reason has been that the great sensation gallery of the Thompson estate has literally taken the wind out of every other form of canvas. Something great in the future, an opportunity not precisely understood, but felt with heating of the blood, has kept the amateurs on the tiptoe of expectation. The convenient mystery in which that collection has been hidden, the ingenious and artistic advertising, the vast amount of buttonholing executed, combined with the persistent absence from the scene of anybody who had actually inspected the lot, were just what was wanted to keep anticipation on the alert and forestall any kind of minor and less supernatural operations on the part of connoisseurs. Since the private view Saturday night, however, and the exhibition since, the balloon has a good deal collapsed, and the agents who managed the job must be sensible that they will lose by this frank publicity. I am not certain but that it would have been better to keep the gallery closed until the very day before the sale-on pretence of misarrangement, immense numbers, confusion, or what not-and let buyers attend with their minds almost absolutely in the dark. But what a testimony to the skill with

which the "corner" has been managed, is found in the unprecedented posture of idleness and waiting on the part of all the people who ever buy pictures in New York! Let me send you a few memoranda of

noticeable pictures which the experts here are displaying to mere crowds of rainbow premenaders "with no money in them." At Knædler's, Fifth avenue and Twenty-

ample view of Damascus, which seems to many a spectator the real apparition and vision of a land of promise. It is one of Church's new speculations in perspective—a point of sight being taken at an altitude to which we are not accustomed, as was done in the last Niagara by the artist. From the little tomb or wely on a slope of Anti-Lebanon from which Mohammed viewed the city,-and would go no nearer for fear of temptation,the spectator gazes across one of the streams of Abana to the glittering city, and thence commands a brown sandy horizon which con-The treatment is in the artist's well-known manner, too well-drawn, too minute. and suggestive of the Claude-Lorraine-glass, or of the reversed lorgnette. This picking out of leaves, branches, trees and shrubs, staccato everywhere to an extreme distance, is fatal to the spirit of landscape, and in this case changes one's dreams of the orient into more of the senment of a topographical chart. The sky, too, is one of Church's failures-an obvious, aggressivesky, without depth or palpitation, and toned a great deal too dark in order to give value to the sparkling city. Over all this, however, Church has succeeded in spreading that appearance of aerial thinness, suggestive of pale mountain sunshine at an extreme elevation, for which I think he has an original vocation,which suggests, to me at least, the quality of the upper atmosphere better than anything I have seen done by the methods of Rousseau, Corot, Daubigny, or Achenbach.-M. Knædler now exhibits a pretty large composition by Gérôme, also oriental, and attaching itself to the Damascus scene quite like an annotation. It is as if you had descended the Lebanon ridge, dismounted from camel-back, and entered a Damascene bazaar. It is an Armorer's booth, with a customer examining the wares, and an insinuating merchant patiently disputing and insisting. The detail of orienal properties strewed all around, and depending from the eve of the horizontal shutter, is all admirable in Gérôme's style of extreme detail. But the dark interior of the booth has that opaque, exhausted-receiver look proper to Gérôme's habit of coloring.-A Maronite woman, an odalisque to look at, yet sporting with pride and abandon the cross and other jewelry of Christianism, is by Vernet-Lecomte, whose voluptuous painting of a Woman of Tangier (called sometimes Queen of Morocco) was so much admired at Haseltine's gallery.-Prof. Jorden, a Norwegian artist, has a good, most graphic study of a pilot, holding his night-watch on a stormy evening, while housed in his little cabin.—Bernard Preyer has a subject of light-comedy genre, two female figures with jewels; a white satin skirt on one of the ladies is almost worthy of old Terburg. This is the first subject I have seen in America by a promising young artist, a son of the famous dwarf painter of still-life. The young man, it may interest some lady-reader to know, is of full growth, the offspring of an unhappy curiosity of nature by a wife of fair dimensions and good looks,—A telling subject by Schreyer represents two Bedouins in wait at the edge of a wood. Their white horses relieved against the gray and burned foliage, are most expressive and equine in attitude.-I must not forget a worthy work of an American painter, Gifford's view on Lake Maggiore, which is painted with a light, square, elegant touch, and is surprisingly sunny and felicitous; water-color itself could not have more elegance and transparency.-When I speak, in conclusion, of Brandt's "Resignation," painted in black and white for photography, you will prepare your mind for something very bad; it is not so, however, for the figure has an elevated American face, not any worse than some of Ary Scheffer's impossible ecstatic faces, and the hands are so well and fleshily modeled that you lose sight of the absence of color, as you do in an excellent engraving. I could wish that our figure-painters would work oftener in grisaille, with a view to fresco decoration,-that some

might hope to receive in the fulness of time a

photographer, has prepared a copy of Mr.

very perfectly preserved, and which is now

In the beautiful rooms of Mr. S. P. Avery

offered in every print-shop.

I have passed a pleasant hour in examining his little gallery of choice parlor or cabinet pictures. W. T. Richards's "Staubbach" is now there, besides a couple of small views on the Wissahickon, called "Summer" and 'Autumn." I confess that when Richards lays aside his peculiarity of minute detail I can hardly recognize his pictures, or find any compensating charm in color or quality to atone for the familiar leaf-veining, barkcorrugation, and other pretty pedantries which constitute his individuality. The "Staubbach" aforesaid, however, has ample evidence of his most unquestionable ability.

Other interesting works are careful and very pretty little archaelogical views of ruined churches and obsolete interiors by E. L. Henry; excellent still-life, almost up to the standard of Desgoffe, by the terrificallynamed Roszczowski; and last but greatest, some very exquisite interiors with figures, in a manner suggestive of Vibert, Zamagois and that class of artists, by Kerbsthoffer—his "Gipsy Fortune-Teller" and "Choosing the Sword," are most brilliant works of artjewelry, full of an expressive and elegant

drawing which floats through the lovely color

without muddying it,—the gold-fish's grace

THE COURTS.

in the pool.

## THE CONTESTED ELECTION CASES

Argument Before the Supreme Court

SUPREME COURT—Chief Justice Thompson and Justices Read, Agnew, Sharswood and

This morning being fixed for the argument in the contested election cases, a full bench appeared, and the six appeals were taken up together, and argued as one.

Mr. George W. Biddle opened the argument for the appellant.

for the appellants (Messrs. Sheppard, Melloy and others). He briefly sketched the origin of the contests and the results of the examinasecond street, a centre is made of Church's tion, with the judgments of the Court below. Certioraris were then brought to review that judgment. He then took up the case of the District Attorney, and referred to the jurisdiction granted to the Quarter Sessions by the act of July 2, 1839, while the other contests are under the act of February 1839, while the other contests are under the act of February 1839, while the other contests are under the act of February 1839, while the other contests are under the act of February 1839, while the other contests are under the act of February 1839, while the other contests are under the act of February 1839, while the other contests are under the act of February 1839, while the other contests are under the act of February 1839, while the other contests are under the act of February 1839, while the other contests are under the act of February 1839, while the other contests are under the act of February 1839, while the other contests are under the act of February 1839, while the other contests are under the act of February 1839, while the other contests are under the act of February 1839, while the act of February 1839, while the other contests are under the act of February 1839, while the act of uary 2, 1854, and the variance between the two acts was pointed out. Under the act of 1839, regulating the contest in the District-Attorney case, no provision is made for the appointment of an examiner to take testimony, nor for the appointment of a receiver. The cases having come up here for appeal, it becomes my duty to set forward the received. commands a brown sandy horizon which con-ceals Palmyra, far enough away and invisible. becomes my duty to set forward the ground of error. There are two sets of errors applicable to each case. Increase all the cases, which nent error which pervades all the cases, which I will speak of in a minute. Then there are errors peculiar to each case. The ble to each case. There is one grand promiare errors peculiar to each case. The prominent error is this: That the Court of Quarter Sessions and the Court of Common leas of this county have undertaken to strike out from the general count and return entire election precincts or divisions without neces-sity at all, without the prayer of the election petition showing any ground for such an anni-hilation of such return, and, as we contend, in-contravention of law. The errors peculiar to each case are as follows: In the District Attorney's case an examiner was appointed to take testimony instead of the Court taking upon itself that duty. Also, in the same case, on the same day the decision was announced on the same day the decision was announced, a vital change of the structure of the petition occurred without the respondent having had any opportunity to oppose it or be heard upon it, by which it is evident that the District Attorney's case was defeated because under color of this amendment enough votes were stricken from his case to defeat. In the case of the Prothonotary the main error pe-culiar to his case is that instead of the Court deciding the case at "the next term," they decided it at the fourth term. The error peculiar to the municipal officers is this: That culiar to the municipal officers is this: That the affidavit required of two of the petitions was an absolute one, and yet on its face this affidavit was a swearing to the "best of knowledge and belief," which we contend is no

affidavit at all, or not the affidavit required by Mr. Biddle next referred to the conduct of the Court in regard to naturalization certifi-cates, &c. "In 39 precincts of this county, and pursuant to a combination between the election officers or a majority of them, an effort was made to exclude a class of voters— naturalized citizens who obtained their papers from the Court of Nisi Prius. In the tenth precinct of the Nineteenth Ward there was really no election at all. By force and fraud certain parties took possession of the poll shortly after it was opened and pre-vented the qualified voters of that poll voting. Enough of votes were not cast on the side which we represent here to have absolutely hanged the result with regard to the case of

he District Attorney." Mr. Biddle now proceeded to the details, taking the ground that the conduct of election officers cannot deprive the legal voter of his rights where the voters are not the instigators of the fraud and violence and where it is not shown that legal voters were excluded. The exclusion of entire polls is not to be recognized by people jealous of their liberties, and if it is to be permitted, it is not difficult to imagine cases where a fraudulent combination can be had between election officers to produce this very result—the exclusion of entire precincts. Take the seventh precinct of the Third Ward, where it was alleged that certain fraudulent votes were polled. The return in that preofficers cannot deprive the legal voter of his votes were polled. The return in that precinct was

Sheppard ..... 601 Gibbons.....149 which these parties allege..... 284

Leaving for Mr. Sheppard a majority of.. 168 But by the exclusion of the entire poll the Court deprives Mr. Sheppard of 168 votes in a division where the contestants failed to specify in detail the errors. The election of 1869 showed how wrong this was. The election of 1868 was during the year of a Presidential election, and about ten per cent. more votes were polled than on ordinary years. In this pre-cinct—seventh of Third Ward—Mr. Sheppard's majority was 452 in 1868, and in 1869 the majority for Mr. Packer was 398. Can this exclusion be tolerated in the face of these

Election officers are the trustees of the voters. The voters are the cestque trust, and yet this Court is asked to punish the cestque trust, because of the misconduct of the trustrust, trust, because of the misconduct of the trus-tee. But say the Court below, we have been warning you year after year! How can you warn the innocent voters, who have a right to have their votes counted? In 1867 the Court said if these frauds were repeated and it was impossible to reach a conclusion, the poll would be sent back to the Examiner. of our lamentably desolate American ceilings modest and delicate ornamentation, in a style to which the great Giorgione was not ashamed the poll would be sent back to the Examiner to take testimony to show who were the legal voters. Until it was done in this case, no Court ever disfranchised entire precincts where the road was easy to reach a correct result by separating the good from the bad.

Passing from the general error, Mr. Biddle proceeded to discuss the errors peculiar to the to lend a hand in his day. Kurtz, the artistic Brandt's work, in which the half-tones are

case of Mr. Sheppard. The two errors were First, in sending the case to an Examiner; and second, in allowing the amendment. The act of the 2d of July, 1839, requires that this case shall proceed as in other contested election cases, and hence the testimony should be heard, by the Court itself, and not through heard, by the Court itself, and not through an examiner. The Court delegated the power to an examiner in the face of an objection from us. When you are told to proceed in a certain way, you must do it, and you cannot get out of the difficulty by talking of the difficulty and referring to the labor. If there are not enough judges, get more judges; or, still better, do not decide in such a way as to invite these contests and thus, overhurden to invite these contests, and thus overburden the Court and its jurisdiction.

the Court and its jurisdiction.

The amondment was another wrong. The petition presented two grounds—one asking the exclusion of the polls and also the exclusion of certain fraudulent votes, and yet on the day the decision was announced the Court allowed an amendment in order to bring in the Sixteenth Division of the Twentieth Ward, and count 40 votes against Mr. Sheppard. In the decision the Court counted Mr. Sheppard out by 68 votes, but they said that thirty-six naturalized voters who were shown to have voted for Mr. Fox and Mr. Sheppard. If these had been added it would have left him in the minority 32, according to their own theory. Now the 40 votes which this amendment brought in counterbalanced this and made Mr. Sheppard's majority 8.

In the case of the Prothonotary of the Common Pleas it is contended that under the act of Assembly the Court should have determined the case at "the next term." The other side contend that this is merely "directory." Can this be so? If this is directory to the Court, how do you strike out entire polls, where the officers unlearned in the law make such omissions? If it is directory to the Court, how do you throw out whole polls for omitting challenges which it is not shown changed the result, or for omitting to mark "V" opposite the name of the voter? If this is to be The amendment was another wrong. The

the result, or for omitting to mark "V" opposite the name of the voter? If this is to be the law, let us have it applied equally and

equitably.

Next we have the municipal officers. The act of Assembly requires that the affidavit of the petitioners shall be that the facts set forth in the complaint are "true." Yet in one of these cases the affidavit taken by the one of these cases the affidavit taken by the petitioners was "true to the best of their knowledge and belief." As long ago as 1810 this Court, in Thompson vs. White, decreed that where, in an appeal, the affidavit was required to be "firmly believe," &c., the omission of the word "firmly" was a fatal omission. This was a decision made 60 years ago, and not on a political case affecting whole masses of the community.

community.

The evidence in this case shows that in thirty-nine precincts—more than ten per cent. of the precincts—there was a combination to exclude whole classes of voters, and which, we assert, would have added 2,000 voters to our clients. And in the face of this we were content to allow the returns to stand as at first presented. In a case where Mr. Sheppard is returned with a majority of 1,585, the Court is required to look carefully at the whole case and declare that the petitions should have been quashed. Take the Tenth division of the Nineteenth Ward which the committee of the Legislature, without hesitation, struck out because there was no pretence of an election. Thus where you approach the merits you observe how necessary it is to crarging over in applying arrivaleles. it is to exercise care in applying principles. Mr. William H. Rawle, for the contestants,

followed, reviewing the legislation giving jurisdiction in cases of contested election cases, and giving to the Supreme Court the right to hear writs of certiorari. The Court should be careful in proceeding to hear these writs, otherwise it may be preparing the way to trouble and confusion. The record comes up for review in order to ascertain if the record is correct upon its; face, and the decision is no rest of the record and the marks correct the record the marks correct the ma part of the record, and the merits cannot be inquired into. The writ of error is to ascertain if the inferior Court has transcended its jurisdiction. Therefore the question here is not whether the Court below decided right or wrong, but whether the Court below exceeded its jurisdiction. This will spare this Court the trouble of wadding through the mass of fraud presented to the Court below. The dismal story was gone over carefully by the Court below, and you are now relieved from this labor; and Mr. Biddle's argument would have been proper on a motion for a new trial, but has no place on a writ of

certioruri. Discussing the act of 1839, as taken from the act of 1791 and act of 1824, he referred to the fact that it laid over three years before being passed, and the Court upon which jurisdiction was conferred has struggled along pain fully in order to arrive at the truth in each case presented and without giving undue weight to technicalities. Testimony has been heard by the Court itself, to the exclusion of business, and at other times t has been taken by an examiner, and the decisions rendered below were announced after argument by all the learning and eloquence of

In conclusion Mr. Biddle presented these points:

First—That unless the vote of whole divisions is rejected absolutely in the computation of majorities, each of the appellants whose election was contested received a majorities of votes at the election in October, 1868. points: ority of votes at the election in October, 1868 Second-That in any case (in which the majority of votes were cast for appellants and which were attacked) the returns are rejected, unless the necessary steps were taken to ascertain the legal votes cast at the election in 1868, the Court could not decide these cases upon their merits.

Third—If every illegal or unassessed vote was rejected on the final count, the appellants, with the possible exception of one officer, re-ceived a majority of the votes cast in October,

Fourth—Adopting even the rule of the majorty of the Court below, and adding to the majority not contested the votes proved or accounted for, and striking out void amendment as to the sixteenth division of Twentieth Ward, Furman Sheppard was elected District Attorney.

Fifth—And as supplemental conclusions without proof of the number of legal votes of unnaturalized citizens illegally rejected at the October election of 1868, the Court could not

decide these cases on their merits, and there should have been made an honest effort to ascertain this vote, or the petitions should Lastly—Without this ascertainment the Court could not legally ascertain the majorities for any one of the contestants, and could

not therefore declare any of them elected Mr. Rawle then took up the specifications in the order presented by Mr. Biddle, referring to the one having a general application to all the cases. All that has been urged by Mr. Biddle has been overruled time and time again. The ground of objection is that the Court below erred in not the Court below erred in not quashing the petition; because the Court assumed that it possessed the right to strike out a precinct. The specifications set forth there was fraud and a wilful disregard of the law for the purpose of holding an undue election. The demurrer in the Court below admitted all these

averments in the petition, and yet it is contended that the Court erred in refusing to quash the petition. Now, what is the right of a voter? Not to have his vote received upon any day of the year, but he must present himself upon a certain day, and within certain liours, and he must present certain qualifica-

tions to entitle him to exercise the right of franchise. The proof required by the elections officers is different from that required by a required by a officers is different from that required by a Court, and the right of the voter is a peculiar one. What is the right of a precinct of voters? It is not to have a return by officers who have a nobeen sworn; not by officers who open the polls other than at the houses prescribed by the law; not by officers who disregard all the requirements of the law, and receive fraudulent votes. That could not be a return recognized by the law; On the other side it is contended that this will lead to disaster, and something has been said about punishing the cestique trust instead of the trustee, but do I understand them to say that where they have selected their own officers they are not to be held responsible for

that where they have selected their own officers they are not to be held responsible for the misconduct of their representatives?

The test is "impossibility," and the Court has so held, and will strike out only when the fraud is so great that the good cannot be separated from the bad. But if it is admitted, as the demurrer does, that the frauds were committed, how is the Court to arrive at the truth and produce a correct result, except by the exclusion of the poll? Even the learned Judge in the Court below, in dissenting from the opinion of his three brethren, admitted that in one precinct the frauds were so gross that the division ought to be thrown out. These innocent cestique trusts, coming from distant oftics and putting in votes by the handfuls! Fraud is fraud nomatter by whom committed, and voters who have trusted improper persons must share their part of the burden. Mr. Rawle reviewed the decisions of the courts, gradually approaching the period when entire precincts were thrown out, but in a series of cases threatening to exercise this power; and, as before stated, Judge Ludlow acquiesced in this decision. Judge Ludlow acquiesced in this decision.

Passing to the other objections, he further quoted from decisions to show that all these had been disposed of by a long line of decisions. In regard to the stxteenth division of the Twentieth Ward the frand was discovered during the legisle. the stateenth division of the Twentieth Ward the fraud was discovered during the legislative contest between Thayer and Greenbank, and was accomplished by twisting bunches of tickets. This made a difference of forty votes to Mr. Sheppard, and we went into Court and asked permission to give this in evidence. It was not in the petition because it was not known, and could not be known until the box was opened. Our friends on the other side admitted the fraud, and the Court below allowed an amendment, by means of which a specification was added setting forth this fraud, and it was allowed the day of the decision, but entered nunc pro tunc. The amendment being tered muc pro tune. The amendment being made under the common law, it is not a matter for review by this Court upon a writ of certiorari. The complaint that there was no op-portunity to meet this, is answered by the fact that there was an opportunity before the Ex-

The objection that the Court of Quarter Sessions referred the case of the District Attorney to an Examiner comes too late. It comes after the Examiner has taken thousands of pages of testimony. The right to refer to an Examiner is a perfectly clear one. It is contended by the other side that because the act of 1867 gave the right to the Common Pleas to appoint Examiners, therefore they denied it to the Quarter Sessions. This is broadly denied. Acts of Assembly are drawn by men and not by angels, and therefore it is not surprising that these should be imperfect. The draughtsman of this law evidently forgot that all the contested election cases are not tried by the Commons. Pleas. No one has yet been able to draw a statute that should be above comment and

In regard to the "term" objection, applicato the Prothonotary of the Common Pleas, reference was made to the case of Stevenson vs. Lawrence, where the Court decided adversely to the claim that the contest ended with the stroke of the clock at the close of the term. To decide otherwise would be to allow a fraudulently elected officer to baffle his opponent until the term has expired. and thus enjoy an office to which he was not elected. Without concluding the argument of Mr.

Rawle, the Court adjourned until to-morrow morning, when the case will be resumed.

## A DREADFUL ACCIDENT ON THE PLAINS. A Whole Family Frozen to Death.

(From the Sloux City Times, Jan. 22.)
We have learned the particulars of one of the harrowing among the many cases of suffering by the recent snow storm. The facts are about as follows: "A man named Dowd; with his family, lately took a homestead on the Vermillion river, about four miles north of Vermillion City, D. T. On last Sunday, of vermilion City, D. T. On last Sunday, while the snow storm was at its height, the shanty in which the settler and his family lived was so open as to expose its occupants to the fury of the storm. There being no signs of an abatement of the storm, Mr. Dowd, accompanied by his wife and three children, the letter and the storm. and three children, the latter aged respec-tively 14, 8 and 6 years, started for a neighbor's house, about forty rods distant. Mr., Dowd, with the six-year old child in his arms, started in advance, his wife and the arms, started in advance, his wife and the two other children following. On the way the father, with one of the children in his arms, got separated from his wife and the other two children. After Mr. Dowdreached the house of his neighbor, he looked around, and not seeing his wife and children, immediately gave the alarm. The occupants of the house started out in search of the missing members. Every effort was used to discover the whereabouts of the lost ones, but proved unavailing. The next morning (Monday) the frozen bodies of the mother and two children were found about 75 rods. and two children were found about 75 rods from the house. They had lost their way, and the density of the flying snow had kept the unfortunate mother and children from being able to find the house.

CALIFORNIA WINES-THEIR PURITY AND EXCELLENCE DEFENDED BY AN OLD CALI-FORNIAN.—That the wine interest of our Pacific States is rapidly developing your readers need not be told; we are advancing to the point where we shall be able to exclude from the American market the long list of when the American market the long list of vile compounds now imported as genuine pro-

ducts of the grape.

The assertion that "California Claret is a dead failure," and that "the very poorest of French Claret is infinitely better and much cheaper than the native," are best answered by citing the fact that the red wines of Sonoma county have a reputation for excellence which is possessed by no wine imported at double their cost. The ordinary and common grades of imported clarets are being driven out of the California market.

A host of California bon vivants will attest that Leadharver's grankling wine is for ourse.

that Landsberger's sparkling wine is far superior to nine-tenths of the so-called champagne imported. It has the merit of being pure. The best saloons of San Francisco offer it to their patrons with success, and it is found upon the tables of many wealthy citizens who would not undertake to bolster up a local interest at the expense of their own health and comfort .- From the New York Times, Sept. 28,

An English soldier in a guard-house, whe could not read, was lately incited to shoot his corporal by seeing a picture of a similar incident in a police gazette. The soldier was hanged. The publisher was not. -Holborn Hill, London, so famous in story has been leveled out of existence.