THE CITY.

The Thermometer.

MARCH 15, 1862.	MARCH 16, 1863.
6 A. M.....12 M.....3 P. M.	6 A. M.....12 M.....3 P. M.
36½.....45.....47	24½.....28.....31
WIND.	WIND.
NW.....W by N..W by S.	N by E...N by E..N by E

ST. PATRICK'S DAY.—If the angel Gabriel were mentioned, some would naturally inquire, "Who is the angel Gabriel?" In like manner, when Saint Patrick comes upon the floor, that is upon the carpet—though in his days floors and carpets were by no means familiar acquaintance—some one is sure to ask, "Who *is* Saint Patrick?" The question merely evinces the interest attached to the high festival of this patron saint. Through very many ages his reputation has promulgated itself over every country. Saint Patrick is the itinerant, yet settled divinity of his people. The events of his life, as chronicled by his numerous biographers, form a table of arithmetical and geometrical progression. Every other historian seems to have added to and multiplied the last. The success of his priesthood was wondrous; the prestige of his fame was as singular as it was widely spread. Hope had lived in his era which many consider obscure and unimportant in the germs of time, he yet exerted an influence upon all the world, and stern as the voice of Hildebrand the Great, exerts that influence upon posterity.

To follow, believingly, the narration of any one biographer, would be as futile as the endeavor to take the photograph of the man in the moon. The history of St. Patrick is incomprehensible; not because he was not great and good, but because he was too great and good for his cotemporaries thoroughly to comprehend him. The shallow-heads, who at different eras weighed him, found him wanting; the true people, true to their consciences as to him, found him full of the common-sense of truth, and strong in the overreaching ability of genius.

As in the case of St. David, the term St. Patrick is said to be of modern and Welsh origin. Those who speak authoritatively of his birth, however, are various. Those of his cotemporaries who wrote his life probably approach nearest the truth. Fresch, Bishop of Sletty, in an Irish hymn, thirty-four stanzas in length, apostrophises his memory. Probus, in the tenth century, outdid all predecessors in the fables he ascribed to St. Patrick, and was himself outdone by Joceline. This writer was a monk of Furnes, and in the twelfth century expanded his views much more than was necessary. The life of St. Patrick, by the Monk of Furnes, may be found in the third volume of the works of the venerable Bede. His life, as written by the last-mentioned author, was first published in 1514, at the expense of Cornelius Hugonis, or Fitz Hugh. Philip O'Sullivan even outdid Joceline in the manner of his ascribing miracles to St. Patrick.

According to the various accounts, St. Patrick was born in Ireland, England, Scotland, and Wales. According to the "Martyrologists," a Saint's nativity is not dated that of his birth, but that of his death. O'Sullivan makes St. Patrick born in Bass Bretagne, France; another devotes the South of England to him: another Wales, and so puts an unpronounceable name (Pepidosa), with a pronontory; and still another the Roy Vale, which, judging from its name, must have been a very pretty place.

The biography of Sir James Ware, written in Latin, and published in 1658, is excessively minute, and, if the truth must be told, excessively tiresome. All the proper names he can join together, he does join together, and discourses about them as to the most common-place way. The gist of the affair seems to be that St. Patrick was born in the year 373, in Scotland, and in the village of Baneven. To this there is a score of contradictions, however. At sixteen years of age he was taken a captive in Gaul, together with his sister, Luputa. He escaped, lived at home for two years with his parents, was recaptured for some months, escaped again, preached for many years among the Irish, and, retiring at last from his ministry and his labors, passed the last thirty years of his life between the monasteries of Saballum, or Sauil, and Armagh. He is positively affirmed to have died at the Abbey of Saul, on the 17th of March, in the year 493, and in the 120th year of his age. Biographers disagree as to his burial place. Some assign Down this honor, and others Glastonbury. One St. Patrick was, it is positively affirmed, buried at Glastonbury, England. Whether this was *the* St. Patrick is questioned. There are three St. Patricks besides the one who forms the present notice: Patrick, the elder, a disciple of St. Patrick the great, and his successor in the See of Armagh; Patrick Junior, disciple and nephew of St. Patrick; and Abbot Patrick, who flourished about the year 850.

The innumerable legends which countless biographers group around the memory of St. Patrick are as entertaining as they are diversified. He is said to have banished, or to have had the power of banishing, all venomous creatures from the country. In Ireland, at least, this was unnecessary, since the next paragraph says there were no venomous creatures there! That he carried the river under his arm, that he was very accommodating to women and men in trying situations, that he performed all the miracles of Moses, and would have held the magicians of Pharaoh in contempt, is not for a moment to be doubted.

In a religious point of view, St. Patrick's day has always been very generally observed. The memories and solemnities bequeathed it, through the mere fact of its antiquity, are sufficient to assure the reason and conscience of all who observe it, that they are right in such expression of their worship. The feeling is as deep as it is broad, and inculcates from the extended basis of emotion the principles of a well-understood truth. To-day will be greeted and celebrated with observances genuine and sincere, and will elicit at once the genius of particular individuals, and the talents of the general mass.

OBSEQUIES OF REV. P. RAFFERTY.—Yesterday morning, the Church of St. Francis Xavier, at Fairmount, was densely filled by a mournful congregation to participate in the requiem services of their late pastor, Rev. Patrick Rafferty, whose decease had caused such wide-spread sorrow among those among whom he ministered for many years. The church and pastoral residence adjoining were appropriately bedecked with the habiliments of death, and gave to the occasion a gloomy and impressive appearance. The deceased clergyman was exposed to view in the middle aisle of the church, near the altar, and under the magnificent catafalque, which Mr. Garland has so frequently of late had the mournful duty of erecting in various parts of the diocese. The pews and aisles were filled, and the utmost silence and attention were observed throughout. The Society of St. Vincent de Paul and the St. Francis Literary Association, with Mr. Garland, managed the funeral details with exactness and decorum. The latter association was associated with Father Rafferty in closer connection than the rest of the congregation, having claimed him as their president for many years. The hall of the association is adorned with a life-sized portrait of Mr. R., which represents him as in advanced life, with the trophies of his mind and experience about him. The "Catholic Doctrine," "History of the Reformation," and other works, of which he was the author, are speaking lines on the canvas.

The requiem service at the church took place at 10 o'clock, consisting of Grand High Mass by Very Rev. Wm. O'Hara, V. G., who also performed the absolution of the body. He was assisted by Rev. Messrs. Toner and Wright, of the Church of the Assumption, and forty other clergymen occupied places in and around the sanctuary.

An impressive sermon was preached by Rev. J. B. Byrne, D. D., of the Theological Seminary of St. Charles Borromeo, in which he traced the life and workings of the deceased in the cause of religion.

The choir was composed of Rev. Messrs. Koch and Gillen, of the seminary, and ten students of the same institution. Mr. Baumeister, one of the former resided at the spring, and the choir was directed by Thomas E. Harkins, Esq., leader of the choir of St. John's Church, Thirteenth street. A Requiem Mass was sung in unison, and with much feeling.

The interment took place at the Cathedral Cemetery.

DEATH OF ANOTHER CATHOLIC CLERGYMAN.—The mortality among the Catholic clergy of this city has been, of late, a subject of serious moment to the laity of that faith, who can ill spare any of their priests, their number being now, it is said, too limited for the requirements of the Diocese. Late on Sunday evening, Rev. Thomas Lilly died at the pastoral residence of St. Joseph's Church, of an attack of paralysis. The deceased was born in Adams county, of this State, October 3, 1806; was educated at Georgetown College. At the completion of his studies joined the novitiate. He was employed in the college as a professor, and became pastor of a church in Frederick, Maryland. At the death of Father Carboray, of the Church of St. Enegas (Ignatius), St. Mary county, Maryland, he became pastor, and subsequently removed to Philadelphia, and has since been connected with St. Joseph's. He was an indefatigable laborer in behalf of his fellow-man; and his sympathies were confined by no boundaries of sect or color. He instituted and perfected a colored school, which, in its way, was a monument to his perseverance and Christian zeal. The obsequies will take place to-morrow, at nine o'clock, when Bishop Wood, it is expected, will deliver the funeral discourse.

VIOLATION OF THE EXCISE LAW—SEIZURE AND CONFISCATION OF WHISKY.—Although the excise law may have been violated in numerous instances, yet none of the offenders were publicly brought to justice and the penalty prescribed imposed, until Saturday last. The collector of the United States for the First district, in company with E. F. Foster, Esq., of Northampton county, proceeded to the store of George Keck, No. 244 North Delaware avenue, and seized fifty barrels of rye whisky, the property of Jacob S. Hartzell, distiller of Nazareth, in that county. This seizure was made in consequence of alleged frauds on the revenue by Mr. Hartzell, such as selling and sending off whisky uninspected, thus avoiding the payment of the national tax. Mr. Hartzell, it is charged, sold a considerable quantity of whisky to rectifiers, and a large quantity had been shipped to this city and to New York.

In some cases, it is further alleged, a few barrels, not inspected, were smuggled off with marked barrels, and again the marked barrels were emptied and returned, in which more uninspected whisky was sent again to market. The amount which was consigned to Mr. Keck was valued at one thousand three hundred dollars, but he was totally ignorant of the matter, and when the facts were made known he placed no impediment in the way of the Government officers who came to take charge of the confiscated goods. The amount of whisky belonging to Mr. Hartzell was about two hundred barrels, and as the penalty is five hundred dollars per barrel, the total amount of the fine is one hundred thousand dollars. As Mr. Hartzell is not reputed to be worth more than half this amount, it is doubtful whether the whole will be recovered. This attempt to evade the law was a rather expensive one.

PRESENTATION OF A SWORD.—Last evening a sword was presented to Lieutenant Robert Oldham, 8th Pennsylvania Cavalry, by the workmen employed in Wood and Perot's ornamental ironworks. A suitable inscription gave an additional zest to this compliment, and a handsome sash and belt rendered the presentation complete. The whole affair was as complimentary to the worth of the givers as to him who received.

TERRIFIC BOILER EXPLOSION—LOSS OF LIFE.—Shortly before 8 o'clock, yesterday morning, a steam-boiler in the forging department at the extensive locomotive works of Norris & Sons, at the corner of Seventeenth and Hamilton streets, exploded with a loud report, which was heard at the distance of several miles. The boiler was of the kind used in coal-burning locomotives. It was eighteen inches in diameter, with a twenty-two-inch stroke, and was of eighty-horse power. The shop in which the boiler was located was about 80 by 60 feet, part brick and part frame.

Such was the force of the explosion that the furnace was blown out, and was carried over to Callowhill street. The tubes which ran out of the boiler were burst in every imaginable shape. The boiler was broken into fragments, the pieces generally flying in a western by southerly direction. This was fortunate, as there are no houses located on that side of the works, or there probably would have been great loss of life and destruction of property. One piece of the boiler, weighing about one hundred and fifty pounds, landed on the lot at Eighteenth and Callowhill streets. Another piece, weighing about a hundred pounds, fell upon the iron roof over the entrance to Asa Whitney & Sons' car-wheel factory, on Seventeenth street, above Callowhill, and went through.

The forge shop was entirely demolished, and all the machinery was ruined. The heavy chimneys and the brick portion on Seventeenth street were not damaged, however. That portion of the building towards Eighteenth street is a complete wreck. The total loss or damage to property is estimated at $19,000.

William Rodgers, the engineer, was the only person killed by the explosion. He was cut in two and his head was blown off. The upper part of his body was nothing but a shapeless mass. The lower part was found beside the pump, and it is supposed that he had just turned on the water when the disaster occurred. The deceased was a married man, and leaves six children. He resided in Moyamensing street, opposite the St. Joseph's Hospital. Some time since he fell from the roof of the establishment and broke his leg, and had just recovered from the effects of that accident.

Several persons made a very miraculous escape. There are generally eight or ten men working in that department, and at the time of the disaster two or three were in the other part of the building. There were uninjured, although they were thrown violently against the wall. About ten minutes before the explosion, three men were engaged in cutting iron just alongside the boiler, but they had completed their work and left. Mr. Richard Norris usually makes a round of the works in the morning. Yesterday morning he went into the forging-room and asked Mr. Roberts, the engineer, if all was right. The reply was in the affirmative, and he went back to his office. He had just comfortably seated himself when the catastrophe happened.

The concussion caused by the explosion was very great. All the windows in the erecting shop, on the north side of Hamilton street, were broken, and in some places the sashes were demolished. Windows all around the neighborhood were also broken. The destruction in glass alone will amount to upwards of $100. A small boy who was in the office of Norris & Son, a square from the scene of the accident, was thrown upon the floor. A gentleman who resides in the First ward distinctly heard the report of the explosion, and many parties residing within six or eight squares of the works felt the concussion.

The cause of the explosion is attributed to a deficiency in the water in the boiler and the sudden turning on of the pumps. There had been no work going on since Saturday night, but the engineer had been there on Sunday to see if matters were all right. There is insufficiency in the supply of water is supposed to have been caused by the pipes being frozen.

The disaster created a tremendous excitement in the vicinity of the works, and a large crowd soon gathered about the scene. Guards were soon erected, however, to keep the people from venturing too near the building, some portions of which threatened to fall every moment. Nearly all the morning persons were standing around the shop surveying the destruction of property. The damage done to the property will probably reach $10,000.

The explosion undoubtedly was caused by a want of water in the boiler. While Mr. Norris was in the forge shop he observed some water escaping over the safety-valve, and called the attention of the engineer to the fact. He replied that everything was right, the escaping water coming from an adjacent larger-boiler house. Mr. Norris, after seeing that every thing was in apparently good order, passed to another portion of the works, and in a few minutes after this the explosion occurred. Mr. Norris had just left the place where the engineer was killed. He, therefore, made a very narrow escape.

The statement of some of the men is, that Mr. Rodgers had just left him, saying that he was going to try the gauge cocks. It is supposed that he found a want of water, and, turning the flow, the explosion was inevitable.

IN SEARCH OF CONTRABAND GOODS.—The 13th Pennsylvania Cavalry, Colonel Gallagher, of this city, commanding, is doing efficient service as scouts, pickets, and rangers in the neighborhood of Winchester, Va. They, a short time ago, met with a disaster, near Strasburg, by which a number of the members were made prisoners. The affair was an unfortunate surprise—the first, and it is to be hoped the last, that has befallen this crack regiment. A few days ago General Milroy detailed Lieutenant James Kane and twenty men as scouts and guides, on an especial errand, the nature of which was not made known to any of the men till they were secure from the chances of their expedition being discovered. General Milroy having heard of a nefarious den on Cedar Creek, which it was important to break up, despatched this expedition, and the success was highly gratifying under the circumstances. A participant writes us as follows:

We started at half-past ten o'clock in the evening of Saturday, passed our own lines, and entered the "Cedar creek" road, at the extreme right of the "Strasburg" turnpike. After we went about two miles beyond the lines, Lieutenant Kane called the men together in line, and stated the object of his expedition, the danger of the expedition, the necessity of keeping quiet, and acting with valor and discretion. Added this brave officer, "no one should run, any one in the party has full privilege to shoot me down like a dog, and I will do the same thing with the first man who dares to flinch, in case we come in contact with the enemy." While this speech the men seemed highly pleased, and went forth confident of success. The road leading to the place to be searched was picked out and gone down, and around hills, thick woods, through paths that diverged in all directions.

At the first place we stopped, there were two rebel soldiers who had escaped through the woods. On our approach he hopped from a back window, and in a moment was obscured in the woods, the darkness and night favoring him in his flight and eluding our pursuit. We captured one young fellow in bed; found many articles "contraband," such as cartridge-boxes, belts, and sword. "We have reason to have several packages of rifle cartridges manufactured at the Richmond arsenal. I feel a curiosity about anything that once belonged to Secesh.

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A SAD CASE OF DROWNING.—At about half past nine o'clock on Sunday night a young man fell into the river off the second dock above Vine street wharf. He was drowned before assistance could be rendered. He was dressed in a blue overcoat, satin vest, knit jacket, red shirt, and black pants. His name is George Rice, and his family is eminently respectable.

FEMALE MEDICAL COLLEGE.—The annual commencement of the Female Medical College took place on Saturday last at the college building, in North College avenue. The valedictory address, by Emmeline D. Cleveland, M. D., professor of obstetrics, was ably delivered. The proceedings were witnessed by a large and respectable audience.

SCALDED.—A boy six years old, whose name we did not learn, fell into a tub of scalding water, about 11 o'clock yesterday morning, at Frankford. He was removed to his home on Adams street.

SAD END.—A man named Butler was arrested on Saturday night for drunkenness. He appeared to be under the influence of mania-a-potu. He died yesterday morning in his cell. The coroner was summoned to hold an inquest.

PENN MEDICAL UNIVERSITY.—The annual commencement of the Penn Medical University takes place at Concert Hall this afternoon. The valedictory address will be delivered by Prof. J. W. Buffington.

DEATH OF A BANK CASHIER.—Joseph S. Riley, JR., cashier of the City Bank, died at his residence in this city, on Sunday morning, in the forty-eighth year of his age.

THE CITY TREASURY.—The amount of taxes received this year since February 9th, at which time the Tax Receiver began to receive the taxes for 1863, reached up to Saturday last the sum of $1,168,227.68. Last week, the receipts of the office of the city treasury amounted to $137,415.09, as follows:

Taxes of 1859	$572.23
Taxes of 1860	967.56
Taxes of 1861	6,765.89
Taxes of 1862	86,937.97
City Railroad Tolls	116.59
City Property (Rents)	2,127.50
Highway Department	250.30
County Prison	1,000.00
Law Department	1,294.34
Mortgages	1,360.00
Water Rents	36,022.61
On account of Girard Trust Fund there were received	$6,822.70, and payments, $830.01.
The payments during the week amounted to	$48,643.07; the payments during the week previous amounted to $221,880.99, and receipts, $189,233.81.

The City Treasurer is still paying off all warrants as they are presented.

NAVAL NEWS.—The United States gunboats Arizona and Juniata, for the Southern blockading squadron, left the navy yard on Sunday evening. They have both been put in thorough order for sea-going purposes. The Arizona, formerly a prize to one of our blockaders, is constructed of iron, and is a side-wheel steamer. She carries six guns, two on each side, one on the bow, and another at the stern. She is also as fast as commodious.—Brigs West, from New York, and Breeze, from Cienfuegos, were below, at anchor, at 4 o'clock on Sunday afternoon, off Reedy Island, bound up.—Letters, papers, and parcels for the East and West Gulf squadrons will be forwarded from the Brooklyn Navy Yard on the 16th of March. All communications, properly directed, and left at the Naval Lyceum, on or up to the 17th of March, will be carefully mailed. Reading matter for sailors is solicited.

SALE OF WASTE MATERIAL AT THE SCHUYLKILL ARSENAL.—The following is the net amount of sales, at the Schuylkill Arsenal, of the cuttings of old leather and cloth, old packing boxes, scrap iron, baling rope, &c., in the several months indicated, viz:

October 15th, 1861	$6,043 77	
November 27th	3,997 54	
		$10,031 31
February 7th, 1862	4,852 72	
February 21st	861 23	
March 3d	2,015 00	
May 1st	3,328 77	
May 31st	2-6 79	
June 30th	2,264 87	
September 9th	3,443 18	
October 1st	3,161 97	
October 12th	9,492 94	
November 15th	4,473 99	
December 27th	6,768 75	
		$39,978 07
March 7th, 1863		14,621 20
		$64,530 68

SWORD PRESENTATION.—Captain Alexander T. Smith, 72d Regiment Pennsylvania Volunteers, (Baxter's Fire Zouaves,) has been presented with an elegant sword by L. D. Radzinsky, Acting Assistant Surgeon, U. S. A., attached to General Richardson's division, "for long and faithful service in the field with his regiment," as the inscription on the scabbard states. Captain Smith has recently recovered from wounds received in late engagements, and is anxious to be again in active service. He was among the first to leave the city at the breaking out of the war, and his meritorious behavior has since won the respect of all his superior officers.

PASSENGER RAILWAY ELECTION.—The Central Passenger Railway Company, late the North Philadelphia Railway Company, organized March 16, 1863, by electing Peter Crans, president; John Loutey, treasurer; and L. J. Crans, secretary and board of directors, L. J. Crans, John Loutey, E. Peters, Ch. Albertson, Jacob M. Douglass, and George W. South. The company are now making arrangements to relay their road in the most substantial manner, by double track, and will soon have the road opened for travel.

THE POLICE.

[Before Mr. Alderman Beitler.]

The Late Robbery on Third Street.

Marcus Miller, Charles Jeurs, and Louis Descombes, charged with robbing Messrs. Troutman & Way, wholesale clothiers, on Third street, near Benjamin Wang, the keeper of a little trimmings store on Germantown road, above Second, charged with receiving the stolen goods, were arraigned at the Central Station, yesterday afternoon. The defendants had made an acknowledgment of their guilt, and two of them expressed a desire to testify against Wang. Messrs. Daniel Dougherty and Dennis O'Brien and Earle, appeared as counsel for defendants. Mr. May, one of the parties, testified that defendants were engaged by him. He could not identify the goods by any private mark. They looked like the goods in his store, and such as he had been using for trimming.

Benjamin Levy testified as to the arrest of Descombes and Juers. On searching the former he found a piece of satin, containing about four yards, upon him; the search was made at the store, No. 10 North Third street, at the corner of Commerce. The Troutman brought Juers to the Central Station; on searching this prisoner, in the private room, a piece of Italian cloth, about 25 yards in length, and a fancy lining of about the same number of yards, were found wrapped around him under his clothing; Messrs. Taggart and Smith were present when the gentlemen's furnishing store, 731 North Third street; he stated that he had been selling some of the goods for a year to Mr. Waag, and made a sale last week.

Descombes and Juers desired to appear as witnesses. Mr. O'Brien, after a few sentences with the prisoners, proceeded to let his client go on the stand. On being sworn, Descombes testified that he met Waag at a tavern on Third street, next to the Northern Liberty Hall; Waag asked him if he was a sailor; witness told him yes; Waag then asked him if he had anything such as journeyman tailors generally have for sale; witness said he had; they both started to the residence of the latter in Dillwyn street, where he sold about one hundred skeins of sewing silk and a box of buttons; the defendants met him twice after this—and sold some other parcels, realizing about $4.50; these articles I stole from the store of Troutman & Way. What he did not tell Mr. Waag where he obtained the goods.

Mr. Dougherty, as counsel for Juers, suggested, at this stage of the proceedings, that the hearing be postponed until he could have an opportunity of consulting his client. This was agreed to, and all the defendants entered bail in the sum of $1,000 each to await a further hearing.

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Outrageous Conduct.

A man giving the name of John Kenny was arraigned yesterday on the charge of committing an assault and battery upon his wife, while attending our pursuit. We captured one young fellow in bed; found many articles "contraband," such as cartridge-boxes, belts, and sword. "We have several packages of rifle cartridges manufactured at the Richmond arsenal. I feel a curiosity about anything that once belonged to Secesh.

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FEMALE MEDICAL COLLEGE.—The annual commencement of the Female Medical College took place on Saturday last at the college building, in North College avenue. The valedictory address, by Emmeline D. Cleveland, M. D., professor of obstetrics, was ably delivered. The proceedings were witnessed by a large and respectable audience.

SCALDED.—A boy six years old, whose name we did not learn, fell into a tub of scalding water, about 11 o'clock yesterday morning, at Frankford. He was removed to his home on Adams street.

SAD END.—A man named Butler was arrested on Saturday night for drunkenness. He appeared to be under the influence of mania-a-potu. He died yesterday morning in his cell. The coroner was summoned to hold an inquest.

PENN MEDICAL UNIVERSITY.—The annual commencement of the Penn Medical University takes place at Concert Hall this afternoon. The valedictory address will be delivered by Prof. J. W. Buffington.

DEATH OF A BANK CASHIER.—Joseph S. Riley, JR., cashier of the City Bank, died at his residence in this city, on Sunday morning, in the forty-eighth year of his age.

[Before Mr. Alderman Carter.]

Larceny of Bed Clothes.

James Kelly is the name given by a young man arraigned before Alderman Carter, yesterday, on the charge of stealing some bed clothes, the property of Mary Matlock. The evidence was considered conclusive enough by the magistrate to commit him in bail for the party over in the sum of $500, to answer at court.

[Before Mr. Alderman Thomas.]

Disorderly House at Germantown.

Centre street, in the historical village of Germantown, was visited by the police on Sunday night, and a house occupied by Bridget Donnelly was surrounded by the posse, who summoned the party to surrender. There was no resistance offered. The inmates were arrested and captured seven persons, and conducted them to the station at the Town Hall. On being arraigned before the alderman they gave the following names: Bridget Donnelly, Margaret McCandles, Betsy Sweeny, Mary Sweeny, Ann McCahey, Ann Coyle, and James Chandler, the latter hailing from the Quaker city. They were held in the sum of $1,000 each to answer. The remainder were put under bonds to be of future good behavior, and to keep the peace.

LEGAL INTELLIGENCE.

Supreme Court of Pennsylvania—Chief Justice Lowrie, and Justices Thompson, Strong, and Read.

DECISION IN COUNCILMAN DUFFIELD'S CASE—THE ACTION OF COMMON COUNCIL SUSTAINED—DECISION IN THE CASE OF COUNCILMAN BARGER.

Yesterday morning the decision of the court was rendered in the case of Thomas J. Duffield, who sued out a writ of mandamus to determine his legality of the action of Common Council in declaring his seat vacant in that body, on the ground that he held office under the United States Government. The opinion is as follows:

Commonwealth ex rel. Duffield vs. Loughlin and others. Opinion of the court

BY LOWRIE, C. J.—On the 4th of December last, the Common Council of Philadelphia declared the seat of Thomas J. Duffield vacated because he had accepted an office of trust and profit under the United States, to wit: the office of general superintendent of the clothing depot of the United States arsenal. That writ was restored by a mandamus from the Common Pleas, because the Common Council had proceeded without notice, and perhaps for other reasons, and afterwards the judgment of the Common Pleas was reversed in this court, because of irregularities in the proceeding there, no other question being then decided here.

After the restoration, the Common Council proceeded in more regular order, and removed him again. He now applies to this court for a mandamus to restore him, on the ground that the office held by him is not incompatible with the office of Councilman. Along with other matters, raising a question of disputed fact, not now to be discussed, the Councilmen, in their returns, claim that their act in vacating the relator's seat is not subject to review and correction by the courts, and to this the relator demurs, and this raises the question of law, whether we have authority to interfere. It is the only question now to be discussed.

The Common Council removed the relator because, during his term as Councilman, he had accepted an office under the United States, and because they supposed that he had thereby become disqualified to exercise the office of Councilman. And they justify the reason assigned by their referring to the charter act of 2d February, 1854, section 4, which says that "the members of the Common Council shall have the same qualification as are required by the Constitution for members of the House of Representatives," and to the Constitution, article 1, section 19, which says, leaving out irrelevant words, that "no person holding any office under the United States, shall be a member of either house (of the Assembly) during his continuance in office."

Putting these two clauses together, *mutatis mutandis*, they may be paraphrased thus: No person holding any office under the United States, shall be a member of either Council during his continuance in such office. This is the law under which the Common Council acted in moving the relator, and which they applied to his case.

We have, therefore, no difficulty in defining the function which the Council was exercising when it removed the relator. It was judging of the qualifications of one of its members. The question of holding an incompatible office, as well as those of age, residence, and citizenship, is always a question of qualification, and is everywhere so spoken of; and this question may be raised at any time, and as well after the person elected has been sworn into office as before. In nearly all the cases cited in the argument, and referred to in the case of the Commonwealth vs. Burns, 17 Serg. & R. 219, the question was raised until after the officer had been inaugurated, and very often the incompatible office is accepted during the continuance of the one in relation to which the question of qualification arises. The case is therefore quite distinct, from a case of contested election, or of expulsion for misbehavior in office, or for the commission of some infamous crime.

What, then, is the tribunal that is to decide whether a Councilman has become disqualified by the acceptance of an incompatible office? The answer to this question is found in the charter act of 1854, section 35, which declares that the respective Councils "shall, in like manner as each branch of the Legislature, judge and determine upon the qualifications of their members." The proper Council has judged and determined this question of qualification; and now the question is raised, what authority have the courts to interfere, so as to review and, if necessary, correct their decisions?

No doubt the functions and authority of the courts do extend to all questions of right arising among private persons, and between private persons and corporations, and in the management of private corporations; and this is necessarily implied by the Legislature, because it is declared by the Constitution, in providing for the judicial department, and assuring to every one a remedy by due course of law. It is founded on the principle that it is necessary for the order of society, and for the security of persons and property, that for every wrong, which society recognizes as a wrong, there should be a remedy in some regular and established form.

But, though the courts have this general and indefeasible authority, they never feel themselves entitled to exercise it when the parties to the question have provided a mode of their own for settling their differences, unless there is some clear mischief. The Supreme Court seems to have had much hesitation in saying that the designation of Mr. Binns' newspaper, for the publication of the United States laws, was not an appointment of him to an office; and probably they would have hesitated much more to say so in such a case as this, where the person appointed is a member of Congress, and also an officer of trust, salary, and authority.

But the case does not need this consideration. No part of a remedy is provided to the relator in order to justify a departure from the remedy specially given by the law, and equity remedy is sought. Our case is one of quo warranto, and is confined to the statutory law rejects that as a remedy for the case. The point taken in the return is sustained, and the demurrer of the plaintiff is overruled.

Judgment for the defendants, with costs.

Commonwealth ex rel. Field vs. Barger. Opinion by LOWRIE, C. J. This is a motion for a writ of quo warranto to oust the title of Mr. Barger to a seat in the Common Council of Philadelphia. The allegation is that during his term as Councilman he was elected a member of the Legislature, and has accepted that office which is incompatible with the other, and that thereby his seat as Councilman is vacated. The answer to the case is in the 4th section of the act of 1854, s. 4., which decalres that "no member of the State Legislature shall be eligible as a member of Councils."

This law is express that one who is a member of the Legislature cannot become a member of Councils; that a Councilman on becoming a member of the Legislature loses his seat in Council. Whether it means that or not we do not decide it. It is a question of qualification of members of Council, and the law commits the determination of all such questions to the determination of each body respectively, as we have shown in the case of Mr. Duffield. The two cases are very different, but the same authority tries them. Motion overruled, and rule for costs.

The following decisions were also entered yester. day:

By LOWRIE, C. J: Parke vs. The Commonwealth Insurance Company; from Common Pleas of Susquehanna county. Judgment affirmed.

Shoch's Appeal; from Common Pleas of Berks county. Judgment affirmed.

Wyoming Manufacturing Company vs. Grant; from Common Pleas of Berks county. Judgment affirmed.

McCombs & Howden's appeal; from Common Pleas of Philadelphia. Appeal dismissed at costs of appellant.

By THOMPSON, J. Steelwagon vs. Jeffries et al.; from District Court of Philadelphia. Judgment reversed, and judgment for defendant.

Hess' Appeal; from Orphans' Court of Philadelphia. Decree affirmed at cost of appellants.

Lauck's Appeal; from Dauphin Pleas of Berks county. Decree affirmed. Sherman's Appeal; from Register's Court of Philadelphia. Decree affirmed.

Hasbrook vs. Hasbrook; from Common Pleas of Berks county. Judgment affirmed.

Mullen and wife vs. Wilson & Kelly; from Common Pleas of Berks county. Judgment affirmed.

By STRONG, J. Prill vs. Kernan and wife; from Common Pleas of Berks county. Judgment affirmed.

Dodge et. al. Bache. Judgment reversed, and a *venire de novo* awarded.

Downing's appeal, Bradley's appeal, Cooper's appeal; from Orphans' Court of Philadelphia. Appeals dismissed at the cost of the appellants.

By READ, J. North Branch Canal Company vs. Hinds et al.; from Common Pleas of Luzerne county. Judgment reversed, and judgment entered for the defendant.

Duffy vs. Duffy; from Common Pleas of Tioga county. Judgment reversed and a *venire de novo* awarded.

Bank of Commerce's appeal; from District Court of Philadelphia. Decree affirmed.

The Northampton, Lehigh, Pike, Monroe, and Carbon counties list was then taken up and one case argued.

Supreme Court at Nisi Prius—Justice Woodward.

Sheridan vs. Delaware and Raritan Co. An action to recover damages for the detention of a canal boat. Before reported. Verdict for plaintiff for $863.

H. B. Chew, executor, &c., vs. B. Chew. An action to recover means profits. On trial. George W. Biddle, Esq., for plaintiff; F. C. Brightly, Esq., for defendant.

Court of Oyer and Terminer and Quarter Sessions—Judge Allison.

John Hinkle was put on trial yesterday charged with perjury. The allegation of the Commonwealth is that he was brought