## THE CITY.

### MILITARY.

THE EIGHTH UNION LEAGUE REGIMENT.

Yesterday morning recruiting stations for the 8th Union League Regiment were opened. The headquarters have been established at the National Guards Hall.

RECRUITING.

Yesterday warrants for the payment of the city bounty were issued to eighty-nine men, of whom seven enlisted for three years, one for two years, and eighty-one for one year. The credits were as follows: First ward, 4; Second ward, 5; Third ward, 3; Fourth ward, 2; Fifth ward, 8; Sixth ward, 2; Seventh ward, 3; Eighth ward, 2; Ninth ward, 4; Tenth ward, 15; Eleventh ward, 9; Fourteenth ward, 5; Fifteenth ward, 8; Sixteenth ward, 3; Eighteenth ward, 5; Twentieth ward, 4; Twenty fourth ward, 3. The recruiting for Hancock's corps was not so brisk yesterday as formerly, owing to some misunderstanding between the several parties engaged in recruiting. This will, no doubt, be rectified in a day or two. Yesterday there were sixteen of men enlisted in this corps, nine of whom were substitutes. They were credited as follows: Second ward, 6; Fourth ward, 4; Fifth ward, 2; Eleventh ward, 4.

### MISCELLANEOUS.

THE DOUBLEDAY COURT MARTIAL.

The court met yesterday at 11 o'clock. All the members present. The evidence of the preceding day was read.

James Buchelay sworn.—Have been employed at the Schuylkill Arsenal; was in Lawrence Barry's squad; have inspected hospital-tent files with Mr. Filison's mark on them; was present at inspection of wagon covers marked Wm R Henry; they were some six inches short; they were all passed, with Mr. Neil's stamp on; heard Mr. Neil say that the tape line was short an inch; when he measured with it he turned part of the tape-line down, making it still shorter; am still employed at the Arsenal as a laborer; did not report to any one that Mr. Neil turned the end of the tape-line down; never used that tape-line, but have seen it frequently.

Benjamin Kessler sworn.—Am employed at the Arsenal; inspected wagon covers while in Mr. Barry's squad; Mr. Neil measured them with a tape line; Mr. Barry held one end and Mr. Neil the other; the line in Mr. Barry's hand was turned in under about six inches; he measured about 130 in this way; none of the tents measured; this was very frequently done; have assisted in measuring some tents of Mr. Henry's; they were short, but they passed inspection; hospital files with Wm. R. Henry's mark were measured; they were short, but were passed; some with Mr. Filison's mark were passed.

Cross examined.—Have been examined before the present time; the wagon covers were short; Mr. Barry told me so; Mr. Neil called out the measurements according to the tape-line; the tape-line on one end was turned under six inches at the time of the measurements.

Samuel Wilson sworn.—Am a laborer at the Schuylkill Arsenal; have seen tents furnished by Mr. Cozens; measured some shelter tents; they were about four inches short, and were passed; Mr. Neil was inspector at that time; have measured wall-tent flies of Mr. Cozens' and Mr. Henry's; some of them were short; I reported them, but still they were passed.

Mr. Kneswell sworn.—Have been employed at the Schuylkill Arsenal from June, 1863, up to the present time; have measured tents with Wm. R. Cozens' and mark on; after August, 1864, measured wall tents and flies; on the ends they were short; Henry's tents were short.

Isaac A. Hipple sworn.—Am employed in the Schuylkill Arsenal; was in the tent department; have assisted in inspecting tents; have seen some of William R. N. Cozens' tents come out short; I gave the shelter tents short of the standard; they would generally run a few inches short; some of the tents were rejected and some passed; the tents were stretched wooden rods reach the proper length; 16th Ward, 1865, Sen. C. Purdon 435. The witness for Mr. Henry's: the wall tent flies of Mr. Henry's: they were nearly all the proper size; those short were rejected.

Cross-examined.—Have examined some tents that were longer than Mr. Cozens'; Cozens' tents would sometimes remain in the arsenal about one month.

Adjourned.

THE PHILADELPHIA COUNTY PRISON—EIGHTEENTH ANNUAL REPORT.

The eighteenth annual report of the Inspectors of the Philadelphia County Prison is in hand. From it we learn that the affairs of the prison during the past year have been in a satisfactory condition. The increase in expenditure has not been large, in view of the universal expansion of prices.

STATISTICS.

The usual statistical tables are appended to the report, and furnish interesting information on various points connected with the criminal department of the city.

The total number of commitments for the year 1864 was only 14,000, or 1,000 less than the number in 1863, which were 17,219. The number for 1864 was less than for 1862—14,546. Compared with the commitments for 1860, (the year preceding the war,) which amounted to 20,801, we find a very striking difference, a decrease of nearly one third. This is readily accounted for; but the rather marked contrast in the number of commitments for 1863, and those of 1862 and 1864, is not so easily understood.

The ratio of white females committed for 1864 is almost the same as for the three years since the war commenced. For 1864, 4,771 white females, against 3,625 white males. For 1863, 5,650 white females, against 5,569 white males. For 1862, 4,583 white females, against 3,159 white males. In 1860 there were only 6,619 white females committed, against 14,545 white males, or less than one-third; while for the last three years the proportion has been more than one-half, and the entire number of commitments of white females has been actually larger, notwithstanding the great decrease in the whole number of both sexes committed.

ABANDONED WOMEN.

The report states in regard to the cause of the marked increase in the white female population, that it could only be doubted that during the last three years the distribution of large gratuities of money to a class of females unaccustomed to moral restraint, and deprived of the control of their natural protectors, has been a fruitful source of vagrancy and crime.

THE EFFECTS OF INTEMPERANCE.

The statistics of the last year furnish the same large proportion of offenses referable to drunkenness as the whole number of commitments for the year, viz: 14,057, more than three fourths, viz: 10,567, were for causes, directly or indirectly, the result of the abuse of intoxicating drinks. The ratio of commitments for these causes has never been so large as during the past year, and it certainly claims the earnest attention of the legislative authority of the State. The board deem it to be their duty to ask some modification of the present injurious license system. Realizing the certainty that at the close of the war great numbers of men, with weakened moral restraints and irregular habits, will be thrown upon our large cities, we should surely provide some check upon the temptation to vice which now meet us at every step.

Of the 14,057 commitments referred to causes dependent upon drunkenness, 1,226 were for intoxication, against 908 for 1863; 1,100 for vagrancy, against 1,793 for 1863; 1,243 for assault and battery, against 1,756 for 1863; 6 068 for disorderly conduct, abuse and threats, against 7,636 for 1863. We notice, since the commencement of the war, a decrease in the proportion of commitments for mere vagrancy, and an increase in those for disorderly conduct and assault and battery.

Of the 14,057 commitments for 1864, nearly one-half, 6,861, were discharged by the judges of the committing magistrates, and 216 were ignored by the Grand jury. This large proportion of discharges is the mere record of an arrest, and a hearing before a magistrate is necessary or in trivial causes, and is discreditable to the magistracy of our city. The Board have repeatedly expressed the opinion that a radical change is needed in the administration of this system. For a long series of years, the abuse practised by committing magistrates have been a subject of concern; and as far back as 1852, the Legislature was memorialized by the Society for Alleviating the Miseries of Public Prisoners, to interfere with the evil. Repeated efforts have been since made in vain to effect a desirable change, without success.

Among the reforms urged by the Board have been: 1 That police magistrates should receive their appointments from the Executive or the courts, under a good behavior tenure, instead of from popular election. 2. That the judiciary should be learned in the law. and 3 The abolition of costs and fees as magisterial perquisites. If constitutional provisions are in the way of the first of these recommendations, we respectfully urge upon the Legislature the adoption of the third. No greater improvement can be made in the administration of criminal justice than a fixed compensation for our police magistrates, and we believe that such a change is desired with great unanimity by our community.

The records of the prison, in the journal of the prison agent, furnish a significant evidence of the perversion of system of magistracy is an engine of fraud, extortion, and oppression. The duties of the officers are chiefly devoted to the abatement and restraint of oppressive and illegal acts on the part of committing magistrates.

Of the 16,068 commitments for vagrancy, drunkenness, and disorderly conduct, 4,397 were discharged before the expiration of the term of commitment. In the male corridors the inspectors had a stricter power to exercise medical discretion in the discharge of this class of offenders, but the number of cases in the female side prevents any systematized effort to interpose a medical check in the prison, as a check upon vagrancy and kindred offenses. Increased accommodation for female prisoners is a serious desideratum, not only for proper discipline, but also for a sanitary point of view. The Debtors' Apartment, adjoining the prison, might be usefully placed within the control of the Board for this purpose. The expenses of this department ($1,802 37) are altogether disproportionate to the small number of inmates (seven), who could be accommodated elsewhere in the main prison. The Board respectfully renew the request, so often presented to the Legislature, to pass an act transferring the control of the Debtors' Apartment to this body.

The addition of the Debtors' Apartment to the accommodation of the prison would, to a certain extent, supply the need of a House of Correction and Employment. It should be borne in mind, that at the commencement of the war, which, we trust, cannot be very distant, a large increase of the population of the prison may be expected. Considerable time must elapse before the arrest of either of a new prison, or a House of Correction (one or the other of which, will be imperatively demanded) in the meantime the Debtors' Apartment might be turned to useful account.

The Municipal Hospital, for contagious diseases, which has been erected under a commission, composed of representatives from the Board of Health, the Board of Inspectors of the Prison, is now completed, and will be shortly put in operation by the Board of Health.

The profits of the Manufacturing Department for the past year amounted to $2,126, a decrease over the last year, when they were $4,056 37. This was owing to the increased price of the raw material.

During the past year two deaths occurred in the convict department of the prison; one from dropsy, aged 1177, from chronic diarrhœa and a white woman, No. 1363, from asthma. In the building of the present winter tophus fever made its appearance in the female department, and attacked ten convicts and five unofficial prisoners, and also the matron and assistant matron.

The services of the Agent, Mr. W. J. Mullen, are eminently useful and acceptable, in the performance of the peculiar duties which devve upon him. The Board entertain undiminished confidence in his integrity and in the correctness of his accounts and responsible functions of his office.

The usual table subjoined makes comparison of the expenses of the prison since the organization of the present Board, in July, 1826, with those of former years:

| Year | Prisoners. | Costing | Per diem |
|---|---|---|---|
| 1834 | there were 11,568 | prisoners, costing | $12,288 18 |
| 1845 | do 14,294 | do | do 49 39 37 |
| 1856 | do 14,881 | do | do 30,351 78 |
| 1857 | do 15,871 | do | do 51,841 95 |
| 1858 | do 15,124 | do | do 53,083 83 |
| 1859 | do 20,228 | do | do 62,341 07 |
| 1860 | do 21,835 | do | do 64,377 52 |
| 1861 | do 16,921 | do | do 50,848 69 |
| 1862 | do 14,546 | do | 50,745 25 |
| 1863 | do 17,219 | do | do 52,225 95 |
| 1864 | do 14,057 | do | 55,737 51 |

From the amount expended for 1864 two deductions are to be made: 1. The sum returned to the City Treasury as the profits of the Manufacturing Department above the sum appropriated for the purchase of raw material, viz., $2,126. 2. The amount received for the support of the 12 United States prisoners, viz., $646. The actual cost to the county for the support of the prison during the past year was $55,959 38.

The physician' report states that on the first of the past year there were 673 persons in confinement; 332 un-tried, and 341 convicts. 1,467 unified prisoners were received during the year, and 215 convicts, making a total of 2,115. The number requiring treatment in the untried department was 1,872; of these, 840 recovered, or were much improved when discharged; 43 died (42 from natural causes and 1 suicide), and 28 remained under treatment at the end of the year. The causes of death were: apoplexy, 5; debauch, 4; debility, 5; diarrhœa, 2; heart disease, 1; brain abscess, 20; and phthisis, 1 Two deaths occurred in the convict department; one from chronic diarrhœa, and one from scurvy. Of the whole number of commitments, 8,093 were white males; 4,771 white females; 561 colored males, and 652 colored females.

The crimes were: Adultery, 19, assault, 98; assault to commit rape, 2; assault and battery, 1,243; absconding apprentices, 17; abuse, and abuse and threatening, 106; arson, 7; bawdy-house, 34; bigamy, 12; burglary, 43; conspiracy, 22; disorderly house, 156; disorderly person of the peace, 6,638; deserting his family, 23; desertion from vessel, 11; defrauding a boarding-house, 7; forcible entry, 10; fornication, 2; fornication and bastardy, 67; fugitives from justice, 15; gaming-house and gambling, 3; highway robbery, 12; idle and disorderly, 1,100; idiots, 1,268; malicious mischief, 160; misdemeanor, 714; murder, 10; mail robbery, 1; passing counterfeit notes, 36; rape, 3; receiving stolen goods, 4; riot, 152; robbery, 41; stealing, 1,531; suspicious persons, 2; tippling shops, 1,001; unlawfully and maliciously injured, but not to labor, 39; to await judgment, 22 Total, 14,057.

The discharges during the year were as follows: Time out, 1,633; inspectors, 4,397; magistrates, 6 931; charter sessions' circuit, 147; quarter sessions, 54; habeas corpus, 29; City Solicitor, 31; pardon, 21; U S. Marshal, 44; deaths, 40; sheriff, 8; convicted, 221; at court, 101; house of refuge, 4; escaped, 1; suicide, 1; time out of convicts to hard labor, 222. Total, 14,480.

The number remaining in prison December 31, 1864, was 576; convicts to hard labor, 131; all others, 441.

The prisoners sentenced who labor were: White males, 111; females, 24; colored males, 34; females, 23; total, 215. Of that number 167 were sentenced to one year, and under; 36 do from one to two years, and 12 do two years. The nativity of the prisoners was: Pennsylvania, 67; Eastern States 4; Middle States (except Pennsylvania), 9; Southern States, 2; Western States 4; England, 8; Ireland 45; Scotland, 2; France, 1; Germany, 12; spain, 1, and other parts of the world, 5 born on the ocean, 1. The sex were from 30 and under, 60; from 30 to 50 years, 110; from 50 to 60 years 45; from 60 to 70 years, 21; over 70 years, 10. Of these prisoners 190 were convicted the first time; 17 the second time; 7 the third time, and 1 the fourth time; 106 were married, and 109 were single; 64 had children, and 152 had no children; 82 had learned a trade, 82 no trade; 44 were sent at service, and 7 were accountants; 31 can read, 117 can read and write, and 5 cannot read; 56 were moderate drinkers, 95 temperate, and 64 intemperate.

CAPT. ABNER READ.

The remains of the late Capt. Abner Read, United States navy, who was mortally wounded on board the steam sloop Monongahela, while engaged in the rebel batteries on the Mississippi river, near Donaldson, arrived in the city on Thursday, by the Bermuda. They were received with due military honors at the Navy Yard, and escorted to South Laurel Hill Cemetery, a large number of the captain's friends uniting in the cortege.

AN EXPRESS CAR DESTROYED BY FIRE.

Yesterday morning about half past eight o'clock, while the passenger train on the Philadelphia and Reading Railroad was on its way west, when about two miles above Manayunk, above the tunnel, the Howard's Express car was discovered to be on fire. The train was immediately stopped and the car detached. A fire-proof, which was in the car, containing money and other valuables, was rolled into the river. The car and most of its contents were destroyed. The loss cannot be ascertained, as most of the goods were expressed by parties in Philadelphia. The origin of the fire is unknown, but it is supposed to have been caused by a spark from the locomotive. The contents of the safe were considerably damaged by water.

"OUR COUNTRY."

Hon. John W. Forney will lecture at Musical Fund Hall on Friday, 17th inst. Subject, "Our Country—its Men and Measures."

SHOCKING CASE OF SHOOTING.

Mrs. Hancock, residing at No. 315 Race street, was shot by accident, yesterday afternoon, by a corporal of the guard who had a couple of bounty-jumping recruits in charge. The recruits were handcuffed, and, while walking along Fourth street, near Buttonwood, succeeded in freeing themselves from the manacles, and started off at full speed. Several shots were fired. Just as the last discharge took place, Mrs. Hancock, as we are informed, egressed from an alley or small local thoroughfare, and she received the ball in her groin. It was thought that she was mortally wounded. The bounty-jumpers were recaptured. One of them, known as "Squibs," had jumped the bounty four times. A police officer immediately proceeded to the provost barracks to arrest the corporal, but military resistance prevented him enforcing the law in such cases.

Mayor Henry was apprised of the fact, and he immediately issued his warrant and placed it in the hands of Mr. Samuel G. Ruggles, the chief of the police, who proceeded to serve it. Obstacles were placed in his way, but he made a demand of the officer in charge to surrender the corporal. This was rather reluctantly submitted to, and the corporal was taken into custody by the chief, and handed over to one or two of his men, and conducted him to the station-house. Half-past eleven o'clock, this morning, was the time fixed for a hearing. The matter will be investigated by Mayor Henry.

The unfortunate woman is a widow, having a child ten years old. She was alive last evening, but there was not much hope entertained for her recovery.

CHILD KILLED.

Edward Lane, aged four years, whose parents live at 1222 Shippen street, was run over by a horse and marble truck, yesterday afternoon, and killed. The drivers, Edward Lake and John Boyd, were promptly arrested and taken to the Third-district station-house.

## THE COURTS.

**Supreme Court—Woodward, C. J., and Thompson, Strong, and Agnew.**

Opinions were yesterday delivered and judgment entered in the following cases:

By WOODWARD, C. J.—Housekeeper's Appeal, District Court, Philadelphia. The decree is affirmed.

Barbara Lloyd vs. Freath & McKwen. Executors of Thompson, Common Pleas, Clearfield county. The judgment is reversed.

Dixey's Executors vs. Leaming & Sill. Certificate from Nisi Prius. Judgment affirmed.

Smith, appellee of Hipple, vs. Brooke. Error to Common Pleas of Berks county. Mr. Smith employed Adam Hipple, a master carpenter, to build a house, and agreed to pay him $1.50 the day for his own labor and $1 a day for each of his hands, and, from this per diem of the hands, Hipple was to receive assessments varying from five to fifty cents a day for each hand, according to the degree of supervision they would respectively require. On the trial of the case the per diem for Hipple's own labor was ascertained to amount to $468 50, a fund which the court held to be exempted from attachment execution by the act of Assembly of April 16, 1836, Sec. 7, Purdon 435. The assessments on the wages of the hands amounted to another fund of $1,837. The court decided that this was attachable, and the two first errors assigned raise the question whether the court erred in holding the latter fund to be subject to such attachment. The court, in affirming the judgment, affirm the ruling of the court below. Judgment affirmed.

By STRONG, J.—The Pennsylvania Railroad Company vs. The Pittsburg Grain Elevator Company. Appeal from Common Pleas Allegheny county. The decree of the court below reversed, and an injunction awarded.

Kirkpatrick vs. Kirkpatrick. From Nisi Prius. Judgment affirmed.

Hoewlis vs. Norris. Appeal from a decree in equity in Common Pleas. Decree affirmed.

By THOMPSON, J.—Bennett and wife vs Fulmer et al. Error to C. P. Lycoming county. Judgment affirmed.

J. B. Lamberton's appeal. C. P. Clearfield county. Judgment affirmed

By AGNEW, J.—Beckel and Kline vs. Kehr and Kehr. Appeal from C. P. Berks county. Decree of O. T. affirmed at the cost of appellant.

The list of cases in the Northern District was then taken up, and the following cases thereon disposed of:

Converse vs. Colton. Tioga county. Argued by William Jessup for plaintiff in error, and by Parsons for defendant in error.

Scone vs. Headley. Submitted on paper books.

Campbell vs. Hand. Luzerne county. Argued and submitted.

Stewart vs. Brown. Submitted on paper books.

Hall vs. S. Vansness. Argued by Williams for plaintiff, and by Pierce for defendant in error.

The courts adjourned till to-morrow morning.

**Supreme Court at Nisi Prius—Justice Strong.**

John Saunders vs. Joseph Adams This was an action of damages for slander. Plaintiff alleged, and offered testimony to show, that upon a certain occasion defendant had said he, the plaintiff, was "a—d—cuckolded," as all his family had been before him." The charge was absolutely denied by the defendant, and, on his behalf, it was offered that, if he ever did say so, he was drunk at the time, and so he was prepared to say. This offer was declined by the plaintiff, who decided the whole testimony proceeded from defendant that he had used the expression complained of, but that it was not true. The case went to the jury, who had not agreed upon their verdict when the court adjourned. Goforth for plaintiff; D. Dougherty, Esq., for defendant.

In the Quarter Sessions, Judges Thompson and Allison, were all day engaged with business appertaining to the Orphans' Court.

**Court of Quarter Sessions—Judge Ludlow.**

[William B. Mann, Esq., Prosecuting Attorney.]

SERIOUS CHARGE.

Rudolph Kinclin and Philip Yeager were charged with a felonious assault.

Catharine Henry sworn.—I saw one of the men in Second street near Spring Garden; he came up and took my breastpin from my bosom; it was worth ten dollars; this occurred at 8 o'clock in the evening; another man was with him; I had my breastpin; at the alderman's office one of the men said I would find my pin on a boy.

Sarah Vantine testified that one of the men took Mrs. Henry's breastpin while she was walking with her. Mr. Mann—Did you see the two men at any place then in a tavern; neither of the witnesses saw the breastpin in the hands of the defendants.

The defence called Mr. Barras, who testified that the defendants had been in his employ two years; he knew them to be honest and industrious persons; Kinclin did not speak English at all; they had frequently had over a hundred dollars' worth of work out at a time, and never had to wait for him.

Charles McCall, and others, gave the accused an excellent character for honesty.

The Commonwealth abandoned the charge of robbery, as it saw no evidence to show the prosecutrix was not robbed by the men, but thought they might still convict of larceny, if they believed the evidence. There was not, however sufficient evidence to warrant the conviction of the prisoners, and so they must be lost it. The men did not flee, and were possessed of a good character, which was an additional evidence in their case.

Mr. Brooke complimented the District Attorney on his management of the prosecution in this and in all other cases.

The jury rendered a verdict of not guilty.

There being no other cases ready the court adjourned till this morning.

## THE POLICE.

[Before Mr. Alderman Beitler.]

ALLEGED EMBEZZLEMENT—PASSENGER-CAR CONDUCTOR IN TROUBLE.

Joseph Skill, employed as conductor of car No. 5, Union Passenger Railway Company, was arraigned at the Central Station, yesterday afternoon, on the charge of embezzling the funds of the company.

Mr. William Rahn, assistant District Attorney, appeared for the Commonwealth; Mr. John Goforth for the defence.

This is the first case of the kind that has been publicly developed through the legal process of law, we are informed, since the organization of the Union Company are thoroughly going business men, and in thus setting an example of prosecuting an alleged offender in their employ, instead of simply discharging him from service, have done much, in a very short time, to check, if not stop, a very serious and growing evil.

THE EVIDENCE.

William V. McGrath sworn.—I am the president of the Union Passenger Railway Co. of Philadelphia; the road was put into operation on the 15th of December; Mr. William H. Kemble is the treasurer; he finally receives the returns made by the conductors to the receivers; we have two receivers, who are on duty on alternate days; the receiver makes a copy of the conductor's card of the round trip; I have the defendant; he was conductor on the road until Saturday last.

Cross examined.—The defendant was arrested on Saturday; I was then informally dismissed the service; he went out of our employ because of the developments of this case.

Wm. H. Kemble sworn.—I am the treasurer of the Union Passenger Railroad Company; the money received by the conductors is paid to the department by the receivers; I know defendant, he was conductor of car 5; he came into my office with the card; he made a return on March 6th; this is the card (card shown) that he handed to the receiver; I have had it in my possession ever since; it is the same as it came from defendant; the date, March 6, which I wrote, as there was no date on it; I did not receive the money, as mentioned by the card; the money is paid to the receiver, then to the secretary, then the secretary pays it to the treasurer.

Cross-examined.—The money is paid by the receivers to Stacy B. Campion, my assistant secretary; the receivers pay the money to him in bulk; he keeps the receipts received during the day at the end of each round trip; the conductor hands the card to the receiver at the end of each round trip; the record of the receiver; the receiver copies it into his book; at night the receiver adds all the trip receipts together in his book; the conductor also adds up his account at night, so as to arrive at the total; the accounts are made to agree.

Wm. Gaskill testified that he was a receiver for the company; the accounts with the conductors are kept in this book in large book.

The conductor's card is now handed to Mr. Mann, who asks Mr. Gold to turn to the account of defendant, March 6th. The witness unfolded the leaves of the big account book and testified as follows:

This book is kept by me; I make my entries by copying the conductor's card. The witness proceeded to detail minutely the entries, from which it appears the conductor made the following returns:

| | |
|---|---|
| First trip | $0.77 |
| Second trip | 1.33 |
| Third trip | 1.39 |
| Fourth trip | 1.41 |
| Fifth trip | 1.06 |
| Sixth trip | 1.37 |
| Seventh trip | 1.33 |
| Total | $8 74 |

During these trips there were 128 tickets sold, and 99 received.

At the last trip the conductor was paid off, and thus the account was closed for the day. Mr. Fields is our master.

Mr. Kemble was recalled for the purpose of ascertaining if possible how many passengers—children and full—the conductor of car 5 carried on each trip on car No. 5, on the evening of March 6.

The passengers per trip numbered as follows:

| | |
|---|---|
| First trip | 43 |
| Second trip | 37 |
| Third trip | 32 |
| Fourth trip | 27 |
| Fifth trip | 41 |
| Sixth trip | 29 |
| Total | 229 |

Free passengers during these six trips, 16.

ESPIONAGE EVIDENCE.

A large number of police officers were detailed to ride in car No. 5, on the sixth day of March, expressly for the purpose of keeping an account of the number of passengers carried by the conductor. Some of these officers gave testimony of the conductor's "dead heads." On this important and interesting part of the programme the following evidence was elicited:

William Haught sworn.—I recognize the defendant as the conductor of car No. 5; I got on the car at half-past six o'clock in the morning, at the corner of Seventeenth and Wallace streets; there were three passengers in the car at the time; I saw defendant take 15c. whilst on the down trip; this number paid the conductor.—I include myself; on the up trip I got into the car at eight minutes before six o'clock, evening; it was quite light, and the lamps were lighted in the car; thirty-one adult passengers and a little girl came on the up trip.

Cross examined.—I did not see the three passengers pay who were in the car when I got in on the down trip; twenty-nine passengers did pay, including myself; I was in citizen's dress, seated in the corner of the car.

Question.—Why did you not stand there for?"

Answer "Particular business"

Q. "What particular business?"

The witness somewhat hesitated, whereupon Mr Mann said, "Speak it out."

A. "Woman is the business was to watch the conductor, and note down the number of passengers on the trip."

Q. "Who ordered you to do this?"

A. "I received my instructions at the station house."

Q. "From whom?"

A. "From my superior officer."

Q. "Was it a particular business?"

The witness hesitated, whereupon Mr Mann said, "Speak it out."

A. "Woman is the business was to watch the conductor, and note down the number of passengers on the trip."

Q. "Who ordered you to do this?"

A. "I received my instructions at the station house."

Q. "From whom?"

A. "From my superior officer."

On the up trip I sat in the same position as I did in the morning; I saw the conductor go to the passengers and take their fare; saw a gentleman and two ladies get in; the gentleman paid the conductor a payment for all.

John F. Murray sworn.—I got in defendant's car at Second and Chestnut streets, on the morning of the 6th inst.; it was twenty-three minutes before six o'clock; there were two passengers in the car when I entered; sixteen passengers got on in the trip; the conductor received their fares; I include mine; I went down in the same car, starting at five o'clock in the afternoon; there were twenty-four adult passengers and five children; I saw him collect fares from twenty passengers on this trip.

Cross-examined.—I was there on special duty; I was not in uniform; the conductor received no tickets on the trip.

Mr. Furmous sworn.—I got on the car, of which the defendant was conductor, at twenty minutes past eight o'clock, on the morning of the 6th inst; there were twenty-one passengers on the down trip; on the up trip, the 16 prisoners; there were nineteen adult passengers and two boys; there were four passengers in the car when I got in; the defendant collected fare from the car when I got in.

Samuel Lefferts sworn.—I went down in the car, starting at 40 minutes past 2 o'clock; there were 20 adult passengers, 4 children, and 3 "dead-heads;" on the up trip there were 27 passengers in the car; I did not notice any trip; 15 or 1 in after I did; there were 3 in the car when I got in on this trip.

Cross examined.—Two of the "dead-heads" were drivers; the other was—there the witness dropped his voice so that it was inaudible.)

Chas Beale sworn.—I got on the car conducted by defendant at Sixteenth and Wallace streets; it was 22 minutes past 10 o'clock; there were 28 passengers down; there were 18 passengers on the up trip; I saw the conductor receive fare from 22 on the down trip, and from 16 on the up trip.

Richard Irvin sworn.—I started on the car at 18 minutes past 11 o'clock, on the up trip; I saw defendant receive fare from 18 passengers; there were 19 passengers on the up trip; there were 28 passengers on the down trip; saw conductor take fare from 15 of them; the other 8 were in the car before I got in.

The evidence here closed.

Mr. Mann having made a calculation as to the business done, said: It seems that the conductor received fare from 238 passengers, and that there were 27 passengers in the car all told. The return made by the conductor of the company for the following Saturday was $468 50, a fund which the court held to be exempted from attachment execution by the act of Assembly of April 16, 1836, Sec. 7, Purdon 435. The assessments on the wages of the hands amounted to another fund of $1,837. The court decided that this was attachable, and the two first errors assigned raise the question whether the court erred in holding the latter fund to be subject to such attachment. The court, in affirming the judgment, affirm the ruling of the court below. Judgment affirmed.

By STRONG, J.—The Pennsylvania Railroad Company vs. The Pittsburg Grain Elevator Company. Appeal from Common Pleas Allegheny county. The decree of the court below reversed, and an injunction awarded.

Kirkpatrick vs. Kirkpatrick. From Nisi Prius. Judgment affirmed.

Hoewlis vs. Norris. Appeal from a decree in equity in Common Pleas. Decree affirmed.

By THOMPSON, J.—Bennett and wife vs Fulmer et al. Error to C. P. Lycoming county. Judgment affirmed.

J. B. Lamberton's appeal. C. P. Clearfield county. Judgment affirmed

By AGNEW, J.—Beckel and Kline vs. Kehr and Kehr. Appeal from C. P. Berks county. Decree of O. T. affirmed at the cost of appellant.

The list of cases in the Northern District was then taken up, and the following cases thereon disposed of:

Converse vs. Colton. Tioga county. Argued by William Jessup for plaintiff in error, and by Parsons for defendant in error.

Scone vs. Headley. Submitted on paper books.

Campbell vs. Hand. Luzerne county. Argued and submitted.

Stewart vs. Brown. Submitted on paper books.

Hall vs. S. Vansness. Argued by Williams for plaintiff, and by Pierce for defendant in error.

The courts adjourned till to-morrow morning.

**Supreme Court at Nisi Prius—Justice Strong.**

John Saunders vs. Joseph Adams This was an action of damages for slander. Plaintiff alleged, and offered testimony to show, that upon a certain occasion defendant had said he, the plaintiff, was "a—d—cuckolded," as all his family had been before him." The charge was absolutely denied by the defendant, and, on his behalf, it was offered that, if he ever did say so, he was drunk at the time, and so he was prepared to say. This offer was declined by the plaintiff, who decided the whole testimony proceeded from defendant that he had used the expression complained of, but that it was not true. The case went to the jury, who had not agreed upon their verdict when the court adjourned. Goforth for plaintiff; D. Dougherty, Esq., for defendant.

In the Quarter Sessions, Judges Thompson and Allison, were all day engaged with business appertaining to the Orphans' Court.

**Court of Quarter Sessions—Judge Ludlow.**

[William B. Mann, Esq., Prosecuting Attorney.]

SERIOUS CHARGE.

Rudolph Kinclin and Philip Yeager were charged with a felonious assault.

Catharine Henry sworn.—I saw one of the men in Second street near George Morris; he came up and took my breastpin from my bosom; it was worth ten dollars; this occurred at 8 o'clock in the evening; another man was with him; I had my breastpin; at the alderman's office one of the men said I would find my pin on a boy.

Sarah Vantine testified that one of the men took Mrs. Henry's breastpin while she was walking with her. Mr. Mann—Did you see the two men at any place then in a tavern; neither of the witnesses saw the breastpin in the hands of the defendants.

The defence called Mr. Barras, who testified that the defendants had been in his employ two years; he knew them to be honest and industrious persons; Kinclin did not speak English at all; they had frequently had over a hundred dollars' worth of work out at a time, and never had to wait for him.

Charles McCall, and others, gave the accused an excellent character for honesty.

The Commonwealth abandoned the charge of robbery, as it saw no evidence to show the prosecutrix was not robbed by the men, but thought they might still convict of larceny, if they believed the evidence. There was not, however sufficient evidence to warrant the conviction of the prisoners, and so they must be lost it. The men did not flee, and were possessed of a good character, which was an additional evidence in their case.

Mr. Brooke complimented the District Attorney on his management of the prosecution in this and in all other cases.

The jury rendered a verdict of not guilty.

There being no other cases ready the court adjourned till this morning.

## THE POLICE.

[Before Mr. Alderman Beitler.]

ALLEGED EMBEZZLEMENT—PASSENGER-CAR CONDUCTOR IN TROUBLE.

Joseph Skill, employed as conductor of car No. 5, Union Passenger Railway Company, was arraigned at the Central Station, yesterday afternoon, on the charge of embezzling the funds of the company.

Mr. William Rahn, assistant District Attorney, appeared for the Commonwealth; Mr. John Goforth for the defence.

This is the first case of the kind that has been publicly developed through the legal process of law, we are informed, since the organization of the Union Company are thoroughly going business men, and in thus setting an example of prosecuting an alleged offender in their employ, instead of simply discharging him from service, have done much, in a very short time, to check, if not stop, a very serious and growing evil.

THE EVIDENCE.

William V. McGrath sworn.—I am the president of the Union Passenger Railway Co. of Philadelphia; the road was put into operation on the 15th of December; Mr. William H. Kemble is the treasurer; he finally receives the returns made by the conductors to the receivers; we have two receivers, who are on duty on alternate days; the receiver makes a copy of the conductor's card of the round trip; I have the defendant; he was conductor on the road until Saturday last.

Cross examined.—The defendant was arrested on Saturday; I was then informally dismissed the service; he went out of our employ because of the developments of this case.

Wm. H. Kemble sworn.—I am the treasurer of the Union Passenger Railroad Company; the money received by the conductors is paid to the department by the receivers; I know defendant, he was conductor of car 5; he came into my office with the card; he made a return on March 6th; this is the card (card shown) that he handed to the receiver; I have had it in my possession ever since; it is the same as it came from defendant; the date, March 6, which I wrote, as there was no date on it; I did not receive the money, as mentioned by the card; the money is paid to the receiver, then to the secretary, then the secretary pays it to the treasurer.

Cross-examined.—The money is paid by the receivers to Stacy B. Campion, my assistant secretary; the receivers pay the money to him in bulk; he keeps the receipts received during the day at the end of each round trip; the conductor hands the card to the receiver at the end of each round trip; the record of the receiver; the receiver copies it into his book; at night the receiver adds all the trip receipts together in his book; the conductor also adds up his account at night, so as to arrive at the total; the accounts are made to agree.

Wm Gaskill testified that he was a receiver for the company; the accounts with the conductors are kept in this book in large book.

The conductor's card is now handed to Mr. Mann, who asks Mr. Gold to turn to the account of defendant, March 6th. The witness unfolded the leaves of the big account book and testified as follows:

This book is kept by me; I make my entries by copying the conductor's card. The witness proceeded to detail minutely the entries, from which it appears the conductor made the following returns:

| | |
|---|---|
| First trip | $0.77 |
| Second trip | 1.33 |
| Third trip | 1.39 |
| Fourth trip | 1.41 |
| Fifth trip | 1.06 |
| Sixth trip | 1.37 |
| Seventh trip | 1.33 |
| Total | $8 74 |

During these trips there were 128 tickets sold, and 99 received.

At the last trip the conductor was paid off, and thus the account was closed for the day. Mr. Fields is our master.

Mr. Kemble was recalled for the purpose of ascertaining if possible how many passengers—children and full—the conductor of car 5 carried on each trip on car No. 5, on the evening of March 6.

The passengers per trip numbered as follows:

| | |
|---|---|
| First trip | 43 |
| Second trip | 37 |
| Third trip | 32 |
| Fourth trip | 27 |
| Fifth trip | 41 |
| Sixth trip | 29 |
| Total | 229 |

Free passengers during these six trips, 16.

ESPIONAGE EVIDENCE.

A large number of police officers were detailed to ride in car No. 5, on the sixth day of March, expressly for the purpose of keeping an account of the number of passengers carried by the conductor. Some of these officers gave testimony of the conductor's "dead heads." On this important and interesting part of the programme the following evidence was elicited:

William Haught sworn.—I recognize the defendant as the conductor of car No. 5; I got on the car at half-past six o'clock in the morning, at the corner of Seventeenth and Wallace streets; there were three passengers in the car at the time; I saw defendant take 15c. whilst on the down trip; this number paid the conductor.—I include myself; on the up trip I got into the car at eight minutes before six o'clock, evening; it was quite light, and the lamps were lighted in the car; thirty-one adult passengers and a little girl came on the up trip.

Cross examined.—I did not see the three passengers pay who were in the car when I got in on the down trip; twenty-nine passengers did pay, including myself; I was in citizen's dress, seated in the corner of the car.

Question.—Why did you not stand there for?"

Answer "Particular business"

Q. "What particular business?"

The witness somewhat hesitated, whereupon Mr Mann said, "Speak it out."

A. "Woman is the business was to watch the conductor, and note down the number of passengers on the trip."

Q. "Who ordered you to do this?"

A. "I received my instructions at the station house."

Q. "From whom?"

A. "From my superior officer."

On the up trip I sat in the same position as I did in the morning; I saw the conductor go to the passengers and take their fare; saw a gentleman and two ladies get in; the gentleman paid the conductor a payment for all.

John F. Murray sworn.—I got in defendant's car at Second and Chestnut streets, on the morning of the 6th inst.; it was twenty-three minutes before six o'clock; there were two passengers in the car when I entered; sixteen passengers got on in the trip; the conductor received their fares; I include mine; I went down in the same car, starting at five o'clock in the afternoon; there were twenty-four adult passengers and five children; I saw him collect fares from twenty passengers on this trip.

Cross-examined.—I was there on special duty; I was not in uniform; the conductor received no tickets on the trip.

Mr. Furmous sworn.—I got on the car, of which the defendant was conductor, at twenty minutes past eight o'clock, on the mor