[For The Press.]

Dramatis Personæ.

MR. FUDGE THE POET.

As easy, 'tis, as lying. See, I take
Some fancied barren rascal—call him Sludge;
Put in his mouth familiar talk of Saul,
Jonathan, Caesar, Bacon, and their like,
Who speak through him their shallow messages
From Pother world, mixed with some crude discourse
On truth and falsehood—rather less obscure
Than my best essays in philosophy.

A dull invention—shallow!
That I grant;
Lacking the spice which thus I dredge upon it;
Add caricature or its tags and rags,
Some easy strokes—a chat of Presidents,
Cocktails, V-notes, and Greeley's newspaper;
A little ungrammatic nasal slang;
And straight my Sludge is something more than Sludge,
A type of Yankee nationality!
And this is Satire.

Wise the artist, who,
Missing a likeness to the noble face
Of the great Emperor, painted his hat;
A hat the like of which he never wore
Save in such dashes. What odds! It did as well;
The hat was recognized, the people cry
Vive l'Empereur!

Ah, I know the tricks
O' the trade, and use them to advantage;
And when the play grows dull I laugh myself—
Vide Hamlet, there's a barren quality
Still left among my patrons; if the wit
Is thin, there's still the toothsome malice left.

A common poet, gazing from the tomb
Of classic virtues unto the New World,
Might see a soldier subjugating States,
Great with the sword and greater with the pen.

I see my Sludge—
A statesman more than brave,
Serene while the rude storm shakes all the house;
Trusting the people, trusting more in God,
And to the least of His poor little ones
Giving the cup—e'en though the feast may fall.

Sludge—Sludge, forever!
What I would, I know.
There's nothing mean but ministers to use.
The Gladiator stood with sword and shield,
Advanced—fronting the Hon—masterful—
A gnat smote in his eye—the man went down,
The beast was victor. So my Sludge—my gnat—
My gad-fly, haply may annoy and harm,
And help to give a triumph to the beast,
Or, show that I in my philosophy
Questioning which is better—man or beast,
Care nothing for the issue—break my jest
And pass, well knowing that the beast will win.

O. E.

Parisian Morality.

THE LATEST SENSATION—LA THERESA AND HER SONGS.

In the Paris correspondence of the *Pall Mall Gazette* we read:

Another great subject of gossip in Paris just now is La Theresa. Never since the celebrated "I la Theresa," and her songs placard the walls. Theresa is a woman famous for singing "gaillard" songs in one of the low *cafes chantants* near the Boulevard Beaumarchais—songs of the kind to which Colonel Newcome took such honorable objection. She is not pretty, but remarkable for that kind of impudence which, if it were intended, might be called piquancy. Now there is a certain Duc de Galliera and his wife living in the Faubourg St. Germains. His creation is due to very modern, and he as well as his wife are Genoese by descent. But they receive and are received by the "upper ten thousand" of Paris, they are very wealthy, and their house is usually accounted pleasant. About a fortnight ago they gave a musical party. Some two hundred and fifty material people were invited, and about ten young ladies. More than fifty were not requested to accompany their fathers and mothers, and were consequently disappointed and offended. But the Duchess had invited ten who were offended too. Imagine their dismay when the name of the notorious Theresa was buzzed about, and when she began to sing her characteristic songs with all the requisite manner and expression. La Guizot, who was at the Duchess de Galliera's *soiree*, led his daughter away as soon as he understood the nature of the song; but the rest of the world heard all, followed his example, and since that evening it has become rather the fashion in certain "respectable" circles to cut Theresa out of one's list of acquaintance. We could name a lady well known in London from her connection with journalistic literature, who only last Sunday gave a party to a select set of *friends* to hear La Theresa.

Soldiers' Families.

To the Editor of The Press:

SIR: As I can only get the ear of the community through your valuable paper, please give room for another appeal.

A soldier's wife, with two children, has not a bed to lie on, or a bed to throw over her at night. We rented her a room, and paid for it; bought her coal, food, clothing, and all the furniture in her room, but have not the means to furnish her a bed. Will not some or many respond? She is a nurse, worth woman, and can do all kinds of plain sewing. Here is another family with three children in small rooms; another with a mother, who died with typhoid fever, and scores with no sickness, that are really pressed with pinching hunger and want.

Surely our soldiers' families should not thus suffer at our doors.

CITY PASTOR.

THE CITY.

MILITARY.

THE DOUBLEDAY COURT MARTIAL.

The court assembled yesterday, at the usual hour. All the members present. The proceedings of the preceding day were read by Col. Foster, the judge advocate.

Washington Porter sworn.—Have been engaged with Mr. Roseman in the manufacture of shelter tents for Mr. Roseman's inventions. Mr. Roseman was skilful, conscientious, and particular, in the manufacture of the tents. Witness considered him the best tent manufacturer in the United States. By the contrivance used in cutting tents it would be impossible for the Cozens tents to be wrong sides out. Witness had manufactured for Mr. Cozens and his partners. Mr. Roseman was skilful, conscientious, and particular, in the manufacture of the Cozens tents, and the best tent manufacturer in the United States. By the contrivance used in cutting tents it would be impossible for the Cozens tents to be wrong and have the right side of the material outside. Tents were all cut alike. Neal, the inspector, did not favor Mr. Cozens, but had frequently rejected his tents for material not up to the standard. Tents had been returned for being short and for button holes not being properly worked. Adjourned.

UNIVERSITY LIGHT ARTILLERY.

Many of the students of the literary department of the University of Pennsylvania have organized themselves into a company of light artillery. They meet for drill in the college yard, or at their armory in the old academy, Ninth street, Monday, Wednesday, Fridays at a quarter before 2 o'clock P. M. The commandant of the corps and instructor is Professor Coppee. The officers (appointed by the faculty) are as follows: From the senior class, William W. Montgomery; first lieutenant, Beauveau Borie; second lieutenant and quartermaster, John S. Gerard; third lieutenant, Richard N. Thomas. From the junior class—first (color) sergeant, Clement C. Dickey; second sergeant, George T. Graham; third sergeant, Winfield Barker; fourth sergeant, John W. Hoffman. From the sophomore class—first (color) corporal, Edward S. Miles; second corporal, Theodore F. Nevin; third corporal, Gerald F. Dale; fourth corporal, George H. Hall. Military science and drill are a regular course of study at this institution.

RECRUITING.

Yesterday warrants were issued for the payment of the city bounty to 54 men, all of whom enlisted for one year:

Wards.	Men.	Wards.	Men.
First	2	Sixteenth	5
Fourth	4	Eighteenth	2
Seventh	2	Nineteenth	1
Ninth	1	Twenty-second	1
Tenth	5	Twenty-third	3
Eleventh	4	Twenty-fourth	1
Twelfth	2	Twenty-fifth	2
Fifteenth	5		

MISCELLANEOUS.

DISCIPLES OF IKE WALTON.

The principal sport which occupies pretty general attention among anglers is the piscatorial excursions. Stories that may seem fabulous are rife among certain veterans of the angle and bowline, but there is really enough to warrant a growing consideration. At many points on the river Delaware, particularly near the mouth of small creeks and other tributary streams, will be found "roach" in abound. This specimen of the scaly tribe are known as bitterheads. At the present time they are in season, and afford a fine relish for breakfast or supper. As an article of diet, they are said to be better than shad, as in the process of human digestion they impart more iron to the blood. Shad, however, is universally esteemed as to become a necessary of life at the prices of luxury. Rockfish will always be a great favorite with the people, and it is a gratifying fact that already they have made their appearance in the Delaware and Schuylkill. Wherever there is a variety of the angler may cast his line and with success. At Fairmount dam there has been some fare sport within the past week. Quite a number of this ever-welcome fish have been caught, and among them were two very remarkable for their size. One weighed 32 pounds, and the other 15 pounds. It was interesting to see the veteran sportsmen bringing their fish in safety to land. Much skill is required in accomplishing such feats, and as the opening of the season *bids fair* for some fine sport, the disciples of Sir Isaac Walton should see to their rods, reels, lines and hooks in order to enable them to indulge in the sport of fishing.

INCREASED RAILROAD ACCOMMODATION.

The readers of *The Press* are referred to an advertisement in another column. It will be seen that the Philadelphia, West Chester, and Media Railroad Co. have adopted a new time-table, to go into effect on and after April 17th. A fast line, leaving Philadelphia in the afternoon and returning at a suitable hour in the morning, has been among the new features introduced. The latter line will make but few stops, and delivers passengers in West Chester in a little more than an hour. There are several additional trains added to the schedule, which must be the means of a great accommodation to the hundreds who seek the delightful air of this locality for a summer residence. The Baltimore Central Railroad connects with this road, and it also will be benefitted by the change.

THE CATHEDRAL.

The opening services at the Cathedral have been unavoidably postponed until Palm Sunday. Yesterday afternoon the sale of pews was continued. The attendance was not so large as on the first day, and only a small portion of the pews were disposed of at public sale. The highest premium obtained yesterday was $80 for pew No. 17, middle aisle, and only about twenty sold at a premium, in consequence of which it was announced that persons taking pews will have permanent possession at the fixed rent without any assessment, but that they would be required to surrender the pews at three months' notice before the expiration of their term in case there should be a demand for pews, that cannot be kept in use, having the preference in the purchasing of the pew; consequently, any person desiring a pew can now get it at the fixed rent without the payment of any premium or bonus.

FUNERAL OF REV. EUGENE A. SULLIVAN.

The funeral services of Rev. Eugene A. Sullivan, one of the pastors of St. Paul's Catholic Church, took place yesterday morning in that house of worship. He died from a contagious disease, contracted whilst visiting the sick in the discharge of his ministerial duties. He was only twenty-four years of age, and was much loved.

In the middle aisle in front of the main altar was a catafalque, in which rested the coffin containing the body of the deceased, clad in his sacerdotal robes of office, and holding a chalice in his hand.

Some forty priests occupied seats within the chancel, and the services commenced with the reciation of the Office for the Dead, after which a solemn Mass of Requiem was celebrated, with deacon and sub-deacon. The funeral oration was preached by Very Rev. William O'Hara, V. G., and was a brief review of the antecedents of the deceased whilst a seminarian, the uncertainty of human life, and the indispensable necessity of entering timely preparation for the approach of death.

THE BRIDESBURG ORPHANS' HOME.

The superintendent of this institution acknowledges the receipt of forty-one dollars from the Sanderson Musical Association of Port Richmond, being the proceeds of a concert for the benefit of that institution. The Bridesburg Home is in charge of the German Reformed Church, and is worthy of every support.

FIRE.

Yesterday morning, shortly after four o'clock, fire broke out in a four story brick building in Dillwyn street, above Buttonwood, in the Twelfth ward. The first and second floors were occupied by Mason & Henderson, carpenters. They had considerable stock on hand. Their loss is estimated at $2,000. The third story was occupied by George Durner. His stock and tools were also destroyed. The fourth story was occupied by Henry Shed, cabinet-maker. His loss is heavy. The building is owned by Edward Bender, and was completely gutted.

CITY COUNCILS.

Both branches of Councils met yesterday afternoon.

SELECT BRANCH.

Mr. GRAY (U.), chairman of the Committee on Water, reported an ordinance making an appropriation of $600 to provide a horse and carriage for the Chief Engineer of the Water Works.

Mr. ZANE (U.) opposed the appropriation, as it would induce the heads of other departments to apply for the same conveniences.

Mr. GRAY (U.) urged the passage of the ordinance, as the Chief Engineer was required to be in all parts of the city every day, in order to supervise the works.

The ordinance was postponed.

Mr. FREEMAN (U.) reported a supplement to the ordinance, permitting the assignment of a lease of coal lands in Schuylkill county.

The ordinance from Common Council, making an appropriation of $1,200 to construct a culvert on Second street, in the First ward, was called up by Mr. Barlow (U.), but after considerable debate the bill was lost. In the course of the debate Mr. Freeman (U.) suggested that in view of our present financial condition, Councils should hesitate to authorize any work except absolutely demanded.

Mr. BARLOW, in reply, acknowledged that there was necessity for economy, but argued that his measure was demanded in order to preserve the health of the people in the neighborhood.

The ordinance making an appropriation of $8,186 for the purchase of a lot of ground at Seventeenth and Pine streets, for school purposes, was postponed for the present.

The committee on Common Schools reported an ordinance appropriating a lot of ground at Twenty-second and Brown streets for school purposes. Agreed to.

The ordinance authorizing the grading and macadamizing of Fairmount avenue, from Columbia avenue to Germantown road, was taken up. After some debate the bill was postponed, and made the special order of the day for Thursday next. Adjourned.

COMMON BRANCH.

President STORKLEY (U.) in the chair.

GIRARD COLLEGE.

The seventeenth annual report of the Board of Directors of Girard College was presented. From it we learn that during the past year 178 pupils were admitted; 50 were bound by indentures of apprenticeship; 7 on trial, waiting conclusion of agreement with the employers; 9 died; 3 had indentures cancelled; and 30 were expelled. On January 1, 1864, there were 445 pupils in the college; on January 1, 1865, there were 563. In February there were 142 applicants for admission. The average number of pupils throughout the year was 550. The expenditures were $112,252.01, or a cost per capita of $179.60.

SALE OF A LOT.

An ordinance from Select Council, directing the Committee on City Property to sell at auction a lot of ground at Beach and Shackamaxon streets, Eighteenth ward, was concurred in.

THE CITY LOANS.

The following message was received from the Mayor:

To the President and Members of Common Council of the City of Philadelphia:

GENTLEMEN: In compliance with the request of a joint resolution of Councils, adopted on the 22d inst., that the Mayor shall inform them of the amount of loans authorized by Councils then remaining unsold, I transmit the following statement, mainly derived from the books of the City Controller:

A loan of $100,000 for the erection of public schools was authorized March 19, 1860, of which $26,000 remain unsold. It is believed that the warrants, which should have been settled with the proceeds of such balance, were for the want of due identification, paid from the current receipts of the treasury.

A loan of $100,000 for road damages and other purposes was created May 3, 1860, of which $12,000 are yet unsold, that amount having been collected from the city by mandamus, but its repayment to the treasury from the proceeds of such balance erroneously withheld.

A loan of $825,000 to redeem the funded debt that matured in 1861 was enacted by ordinance of December 15, 1860; $180,000 of which being required for such specific purpose was, by a joint resolution of July 13, 1861, placed at the disposal of the Commissioners of the Sinking Fund to hypothecate or sell above par, as the payment of matured debt should be from time to time demanded.

On the 23 of November, 1863, a loan of $500,000 towards the quota of the State was authorized, of which $140,000 remain unsold, the purpose for which it was appropriated requiring no further expenditures than the payments needed for the safe keeping of the arms and equipments belonging to the city, and there being a credit of $29,781.06 to this account for such present uses. A loan of $20,000, of June 11, 1864, for the extension of Vine street wharf, has not been offered for negotiation, but the money used in such improvement has been advanced from the treasury.

The additional loan of Sept. 24, 1864, of $1,500,000, to encourage the enlistment of volunteers, has been sold, with the exception of $102,100, which it was not practicable to dispose of, unless below its par value.

On the 1st of December, 1864, a loan of $1,000,000, to be negotiated at not less than par, was authorized for school purposes, and no portion thereof has been issued.

An additional loan of $85,000 was authorized by ordinance of December 24, 1864, for the erection of Chestnut-street Bridge, of which $75,000 remain for delivery to the contractors at par in payment of their claims, as from time to time duly presented.

The loan (No. 4) for the extension of the Gas Works, of $1,000,000, authorized December 24, 1864, is under the control of the trustees of those works, by whom provision is made for its interest and sinking fund. The amount of $896,700 remained unsold, and was included in the loan of this month.

On the 13th of March, 1865, a loan of $2,500,000 was created to pay deficiencies of previous years. Certificates to the amount of $35,700 were issued for this account prior to the 23d inst., in exchange at par for outstanding warrants, leaving $2,464,300 for similar or other negotiation.

On the 23d of March, 1865, loan No. 3 for bounty purposes, of two millions of dollars, was authorized, and, as enacted by a previous ordinance of Councils, it is placed at the disposal of the holders of warrants for bounty, whenever they may claim it, for converting their demands into funded debt. Under such pledge its negotiation is precluded upon any terms whatever, and it must remain indefinitely to answer the requirements of those creditors who now possess an option of conversion, which they may not avail themselves of while the treasurer is restrained from making use of this loan by hypothecation or sale to realize the assets from these claims. From the preceding statement it will appear that the entire amount of loans unsold, at the date of the resolution of Council, is as follows: Loan of 1860, $26,000; for $167,650, including the balance of loans of March 19 and May 3, 1860, and November 2, 1863, should be definitely recalled, as now unnecessary; $1,000,700 (loan of November 15, 1860, and December 24, 1864,) are removed from the control of the Treasurer; $1,000,000 (loan of December 1, 1864,) restricted to school purposes; $2,464,300 (loan of March 18, 1865,) pledged for bounty; $75,400 (loan of December 24, 1864,) specially payable upon contracts at par valuation; $1,946,600 (loan of March 18, 1865,) pledged for the payment of warrants, that's, paid, and $2,589,400 (from loans of June 11 and September 24, 1864, and March 13, 1865,) are subject to sale or exchange by the treasurer whenever a price can be obtained that will justify their negotiation.

In thus affording the information requested by Councils, I deem it not out of place, from constant official intercourse with the City Treasurer, to commend the zealous and untiring efforts that he has made so to manage the finances of the city as may best promote its credit. The measures adopted by him relative to the negotiations of the funded debt, have had my full assent, and whilst no opportunity has been neglected to effect a judicious sale of these securities, I have not been disposed to urge that these securities have been depressed by incautiously forcing them upon purchasers. Although the deplorable necessities of the last three years have occasioned a large increase in the funded debt of Philadelphia, the intrinsic value and security of that debt should be unquestioned. The payment of each loan at maturity is guaranteed by pledge accompanying its authorization, and the payment of semi-annual interest is made certain by the assignment for that purpose of a large per centage of the current receipts from taxation.

Unwise addition to the city debt in inexpedient legislation or financial disorder may temporarily affect the market value of its loans, but it is not to be anticipated that the faith of the city will ever be violated by any deliberate act that will endanger its ultimate security.

Respectfully, ALEXANDER HENRY, Mayor of Philadelphia.

The message was referred to the Committee on Finance.

EXTENSION OF WATER WORKS.

The ordinance authorizing a loan of $1,000,000 for the extension of the Water Works was taken up, but after some discussion was postponed for the present.

Mr. MACKIE (U.), from the Committee on Finance, reported an ordinance appropriating $150 for making of new parchment indexes for deeds, &c., said work having been done by order of the court. Passed.

Mr. ZANE called up the ordinance creating a loan of $600,000 for the relief of families of volunteers. Passed.

FIRES.

The Committee on Trusts and Fire reported an ordinance appropriating $1,480 for the extension of the telegraph wire to Moyamensing Prison, and to place signal boxes in that place and Fifth and Tasker and Twenty-fifth and South streets. Passed.

SUPERINTENDENT OF TRUSTS.

Select and Common Council then met in joint convention and elected Charles Oat Superintendent of Trusts.

An ordinance, appropriating $100 for expenses of committee which went to Harrisburg to have the new tax law amended, was agreed to.

Several ordinances from Select Council were concurred in. Adjourned.

THE COURTS.

Supreme Court at Nisi Prius—Justice Strong.

APPLICATION FOR AN INJUNCTION.

The Lehigh Coal and Navigation Company vs. The Lehigh Valley Railroad Company. In Equity.

This is an application for an injunction to restrain the railroad company from cutting away any part of the mountain, forming the western abutment of Dam No. 4, in the Lehigh river, and also from building or depositing any stone or material on the lands adjacent to the said dam, and, also, from extending the width of their railroad bed, at or near the said dam, in such manner as to narrow the vent for the water of the said river or obstruct the flow thereof during freshets, and from approaching within ten feet of complainants' works, at or near the said dam, with their railroad or any part thereof; and the court will order and decree that all the said stone and obstructions shall be removed.

Argued by Gibbons and George M. Wharton, Esq., for complainants, and by Mr. Brewster for the defendants, and held under advisement.

Court of Oyer and Terminer—Hon. James R. Lowrie and Hon. Joseph Allison, Associate Justices.

[William B. Mann, Esq., prosecuting attorney, assisted by T. B. Dwight, Esq.]

GUILTY OF MURDER.

At half-past ten o'clock the jury in the case of William Hopkins, charged with the murder of Andrew McMarrity, came into court. There was a solemnity in the countenances of the jury that indicated that they felt the position in which they were placed. They rendered a verdict of guilty of murder in the first degree, and, on being polled, each one responded to the verdict as presented through the foreman.

Mr. Owens made a motion for a new trial.

David Cregory was arraigned on the charge of murder, in killing Stephen Vieria. He pleaded to the bill, "I know nothing about it, sir."

The court directed a plea of not guilty to be entered, and a jury was selected to try the case, consisting of the following named gentlemen:

Abraham Detwiler,	Samuel Vandegrift,
Ephraim Rose,	Henry Wolfington,
Henry E. Eslinger,	Thomas J. Martin,
John Pugh,	Benj. Pennypacker,
George Smith,	J. S. Hoffman,
W. H. Seeger,	Lewis Brown.

Mr. Dwight opened the case for the Commonwealth.

Coroner Taylor sworn.—On the morning of the 5th of November, 1864, I viewed the body of Stephen Vieria at the Pennsylvania Hospital; there was a wound on the left side of the head, apparently produced by a gunshot; I held the inquisition on the same morning, and committed the prisoner.

Dr. Witner sworn.—I was engaged at the Pennsylvania Hospital when Vieria was brought there; he was in a state of insensibility when I first saw him; there was a wound apparent in his head; he died on the evening of the afternoon he was brought in; I made a post-mortem examination of the body; the cause of his death was compression on the brain from blood effused by the injury; I found the bullet lodged in the substance of the brain; the ball entered in the temporal ridge; the wound was necessarily mortal; the ball, after entering the head, went backwards and downwards through the substance of the brain, striking the posterior part of the skull.

No cross-examination.

Abraham Abbott sworn.—I live at 843 South Second street; on the 4th of November, 1864, between the hours of 2 and 4, I was passing from my store to the market, and in going by the hotel of deceased I heard a scuffle; I stepped in the bar entry, and saw the deceased and a man named Pedrick on the floor; I saw the deceased have Pedrick down and strike at him once or twice; the deceased looked up, and saw me looking in at the door, and asked me to call a police; I stepped out the door, and looked at the Hall, but saw no police; I stood there a moment or two, and it appeared to be quiet; I then went to the door and pushed it open just so as to look in; I then saw the deceased and Pedrick both upon their feet; the deceased was then passing down, coming back of his bar towards Second street; I saw Mr. Gregory standing a piece off, and there was something said; I don't know what the words were; he pulled a pistol out of his pocket, and walked towards the bar; I then let the door swing to, and stepped outside; Mr. Gregory said something when he pulled out his pistol; I heard the deceased say to his bar-tender, "If they paid for their drinks give it to them, but I want them to go out;" when Gregory pulled the pistol from his pocket he pointed it, and walked towards the bar; after I had shut the door I heard the report of a pistol; I stepped from the door to the front window, and looked in behind the bar; I saw the deceased on his knees, in a stooping position, his head on the floor; I started to call a policeman, and as I got to the door the policeman came; Gregory came out of the door with a pistol in his hand, and the officer took him into custody.

Cross-examined.—When I first looked in Gregory was in the centre of the bar-room, standing up; he was taking no part in the affray with Pedrick and deceased; Gregory had been drinking, but I can't say to what extent; I did not take notice whether he vomited or not.

Thomas McLaughlin sworn.—I was the barkeeper at the deceased's; I was there when the man was killed; Gregory and Pedrick came into the house and called for two drinks; Gregory called for them; I waited on them, and they both drank; then two gentlemen, Mr. Tatem and Mr. Taylor, came in and invited the deceased to drink with them; they then went out, after drinking; then Mr. Gregory called for two more drinks, I placed the bottle and two tumblers on the counter; there was a fountain where they could get water; then a marine came in, name unknown; I saw Pedrick and he hit drink, and went to wait on Fawkes; I then went to the eating bar; Mr. Vieria said "Never mind; I will wait on Mr. Fawkes;" then I went and replaced the bottle back on the shelf; I supposed both Pedrick and Gregory had drank; Gregory said he had not had his drink; I said "I thought you had;" remarking that "Pedrick had his;" then Pedrick said he had not had his; Mr. Vieria came up and asked what was the matter; I told him that Pedrick said Gregory had not had their drinks; Mr. Vieria then said to Pedrick, "there is your drink, why don't you drink it?" he drank it, and then turned to the fountain to get some water, and at the same time called the name to Mr. Vieria; Mr. Vieria then went from behind the bar and ordered Pedrick to go out, as he did not want any fuss in his house; in the meantime Pedrick had a glass of water which he left on the bagatelle table; the table was on the east side of the building opposite to the bar; then Gregory came towards Mr. Vieria, closing up behind him; Vieria asked Gregory what was the matter with him; at the same time pushing Pedrick; Pedrick was in the act of pushing Vieria when Gregory came up; then Vieria and Pedrick wrestled and fell side by side; Gregory was then going towards them and I stepped across the bar and took hold of Gregory, telling him not to interfere, that I would stop it, and Mr. Vieria never allowed any fuss in the house; then Gregory tried to get away from me to go towards them, and I tripped him up, and again told him not to raise any disturbance; he tried to get away from me again, and I tripped him again; I let him up, and Mr. Vieria and Pedrick were standing on their feet; Mr. Vieria said to Pedrick, "you —, you tried to hit me," and went behind his bar, and I followed him; Pedrick remarked that he was a better man than Vieria thought he was; it was a tussle and a fall with Pedrick and Vieria; I did not see a blow struck; Vieria then told Pedrick to go out of his house; then Gregory came to the bar and wanted the drinks paid for; Vieria said to Gregory's partner "I want you to go out, too;" then the first thing I saw was Mr. Vieria stoop behind the bar; I did not know what he dropped for, and I looked around; I saw Gregory leaning over the bar with a pistol pointed at Vieria's head; he was standing on an iron railing which is outside of the bar; I heard a report; I saw the blood when he reached over; Mr. Vieria was then standing towards the Second-street door; I saw Gregory shoot; I dropped behind the bar myself, and staid there for about five seconds; I suppose; then I got up, and Gregory's back was turned to me and towards the bar; I then took a watchmaker's screw driver and a screw driver that I had found on the floor, and I followed him; I then got hold of him; Gregory said "Dave, that is wrong," he would be like a child.

David Bennett sworn.—I live nearly opposite to where this affair occurred; I saw Gregory going into the station-house; I believed him to be a drunken man; he staggered.

No cross-examination.

John Anderson sworn.—I knew Mr. Vieria.

Question. Did you ever know of Mr. Vieria attempting to take the life of a man?

Objected to, and sustained.

The defence was now closed.

Coroner Taylor recalled.—This is the pistol that was used by the prisoner; it is in the same condition as when received by me; one barrel is discharged; the others are loaded.

H. Y. Smith, M. D., sworn.—I am physician of the prison; I did not advise the prisoner to wear a bandage around his head, nor do I know of any cause requiring him to do so; my attention was called to the prisoner a few days after his admission to the prison, and I found him laboring under an excitement, as I supposed, from a debauch; I gave him some medicine, and a few days after that he complained of being costive, and I presumed his headache arose from that cause; I was sent for after this, and I presumed the man was laboring this sickness; I applied a blister to his neck, not that I thought it was necessary; I finally told him I did not believe he was sick, and discontinued my visits; I believe the man to be sane; I never discovered anything in his conversation or actions to induce me to believe he was insane.

Cross-examined.—I never saw the man before he came to prison; he has in a great many cases complained of his headaches; I told him I did not think he was insane; I never examined his head; he never complained to me of any cuts in it.

William Grubb sworn.—I am a keeper at the prison; I have seen the prisoner frequently in the yard a day; we have spoken together in relation to this murder; he talked rational; I asked him how he got in such an unfortunate predicament, and he said he knew nothing about it; he said he had been drinking, and seemed to be sorry for the occurrence; I never discovered at any time anything of his insanity; I never discovered any cuts on his head; he said he had a cut on it, and was sun-struck; I have noticed a bandage on his head for two months.

Joseph Brady sworn.—I am a policeman; on his head was cut, at Sixth and Chestnut, by a black jack; I never saw his head tied up from that time to that of the occurrence.

Dr. Kapp sworn.—I believe the prisoner to be sane; my opportunities of judging have been ample.

Cross-examined.—He never complained to me of a cut in his head.

The case was now closed.

The case was ably argued by the counsel on both sides. Mr. Brewster argued the favorable argument.

The jury were absent half an hour, and then rendered a verdict of not guilty on the ground of insanity.

Mr. Mann, in the course of his argument, said in a short time we would have hundreds and thousands of soldiers and sailors at home. War did not improve the morals of men, and if at this time we permitted men to walk abroad with pistols in their pockets shooting down innocent people, we might hereafter expect to see men out of employment demanding arms with pistols at our hands. There was no necessity in this loyal and peaceable city of Philadelphia for any man to carry arms, no matter how in was crossed for a conviction of murder in the first degree, and said that the idea of insanity was a farce. This man had his faculties about him when he drew a pistol and put it in his pockets shooting down innocent people, we might hereafter expect to see men out of employment demanding arms with pistols at our hands. There was no necessity in this loyal and peaceable city of Philadelphia for any man to carry arms, no matter how in was crossed for a conviction of murder in the first degree, and said that the idea of insanity was a farce. This man had his faculties about him when he drew a pistol and put it in his pocket and shot down a man in the bar-room, standing up; he was taking no part in the affray with Pedrick and deceased; Gregory had been drinking, but I can't say to what extent; I did not take notice whether he vomited or not.

Thomas McLaughlin sworn.—I was the barkeeper at the deceased's; I was there when the man was killed; Gregory and Pedrick came into the house and called for two drinks; Gregory called for them; I waited on them, and they both drank; then two gentlemen, Mr. Tatem and Mr. Taylor, came in and invited the deceased to drink with them; they then went out, after drinking; then Mr. Gregory called for two more drinks, I placed the bottle and two tumblers on the counter; there was a fountain where they could get water; then a marine came in, name unknown; I saw Pedrick hit drink, and went to wait on Fawkes; I then went to the eating bar; Mr. Vieria said "Never mind; I will wait on Mr. Fawkes;" then I went and replaced the bottle back on the shelf; I supposed both Pedrick and Gregory had drank; Gregory said he had not had his drink; I said "I thought you had;" remarking that "Pedrick had his;" then Pedrick said he had not had his; Mr. Vieria came up and asked what was the matter; I told him that Pedrick said Gregory had not had their drinks; Mr. Vieria then said to Pedrick, "there is your drink, why don't you drink it?" he drank it, and then turned to the fountain to get some water, and at the same time called the name to Mr. Vieria; Mr. Vieria then went from behind the bar and ordered Pedrick to go out, as he did not want any fuss in his house; in the meantime Pedrick had a glass of water which he left on the bagatelle table; the table was on the east side of the building opposite to the bar; then Gregory came towards Mr. Vieria, closing up behind him; Vieria asked Gregory what was the matter with him; at the same time pushing Pedrick; Pedrick was in the act of pushing Vieria when Gregory came up; then Vieria and Pedrick wrestled and fell side by side; Gregory was then going towards them and I stepped across the bar and took hold of Gregory, telling him not to interfere, that I would stop it, and Mr. Vieria never allowed any fuss in the house; then Gregory tried to get away from me to go towards them, and I tripped him up, and again told him not to raise any disturbance; he tried to get away from me again, and I tripped him again; I let him up, and Mr. Vieria and Pedrick were standing on their feet; Mr. Vieria said to Pedrick, "you —, you tried to hit me," and went behind his bar, and I followed him; Pedrick remarked that he was a better man than Vieria thought he was; it was a tussle and a fall with Pedrick and Vieria; I did not see a blow struck; Vieria then told Pedrick to go out of his house; then Gregory came to the bar and wanted the drinks paid for; Vieria said to Gregory's partner "I want you to go out, too;" then the first thing I saw was Mr. Vieria stoop behind the bar; I did not know what he dropped for, and I looked around; I saw Gregory leaning over the bar with a pistol pointed at Vieria's head; he was standing on an iron railing which is outside of the bar; I heard a report; I saw the blood when he reached over; Mr. Vieria was then standing towards the Second-street door; I saw Gregory shoot; I dropped behind the bar myself, and staid there for about five seconds; I suppose; then I got up, and Gregory's back was turned to me and towards the bar; I then took a watchmaker's screw driver and a screw driver that I had found on the floor, and I followed him; I then got hold of him; Gregory said "Dave, that is wrong," he would be like a child; I gave him a quiet talk; he walked the floor and rubbed his hand on the top of his head; he went to sit on a chair and he rubbed his head on the wall a purpose; I am going on 14 years of age.

Cross-examined.—Mother went to him when he was going to court; he called his child to her and took the child from him; the child's hair was fast in the buttons of his coat; he had not been drinking as I know of; he did not try to cut the hair of the child; my mother did not say that he might cut the child's throat in cutting her hair off; mother got a pillow down and he laid down and went to sleep.

John Fowler sworn.—I was at the house at the time of the occurrence; I was at the eating bar and Gregory and Pedrick were at the drinking bar; after they had received their drink they stood for a few moments drinking; they then went to the drinking bar again and called for more drinks; Vieria told them they had enough and he wished them to leave the house; they insisted upon having more drinks and were told they could not have it; Mr. Gregory called Mr. Vieria a ——, at the same time placing his hand in his right hand pocket and drawing a Colt's revolver; Mr. Vieria made a motion as though he was searching for something behind the bar; not finding it, he rushed towards the upper end of the bar and threw himself on his hands and knees; Mr. Gregory placed his foot on the railing at the foot of the bar, reached over and shot Mr. Vieria in the back of the head; I jumped out of the seat, rushed out the back way, called the police, and had the men arrested as they came out the front door.

Officer Hustin sworn.—I am a police officer; did not hear the rattle spring; heard the cry of police; was at the station house; ran out and saw that last witness running past; saw Gregory coming out; I arrested him; I found a weapon; he had it in his hand by his side; did not take it from him; he came out and held it up, the pistol, and second officer Wrigley came up and I told him to take the pistol out of Gregory's hand, which he did; the men were taken to the station-house; Pedrick said he was dead; when taken to the station house Gregory was more like a crazy man than anything else; I asked him if he knew what he had done, he said no; says I "that man is dead;" I asked if he knew Pedrick; says he I he said no, he did not know anything about it; he then said "I wish it was me instead of him;" I think Gregory was excited by liquor; it set him wild.

Officer Wrigley sworn.—I helped to arrest the prisoner; I presume the pistol is in the hands of the coroner; one barrel was empty; he made no resistance; I asked him what he was doing with the pistol, and he articulated something that I did not understand; I should not think Gregory was drunk at the time I arrested him; he was very stupid and indifferent. Defendant's counsel said he seemed not to know or care as to what was going on.

No cross-examination.

The Commonwealth here closed.

Joseph Brewster, Esq., opened the case for the prisoner, declaring that his client was insane, and had been so from boyhood. He had been strung by the sun-stroke, and had not the same mind as a fireman's fight he was beaten over the head with a spanner, and his wound would often open and produce fits of insanity. He raved for days at times. He was not put to a trade, but allowed his own course of pursuit, and he chose that of an oysterman. He had been known to beat his head frequently, and entertained the wildest ideas of wealth, thinking he was a wealthy man. He has served three years in the army, and it would be shown that he was dangerous even to his best friends.

AFTERNOON SESSION.

The examination of witnesses for the prisoner was commenced.

Mrs. Margaret Fowler sworn.—I am the mother of the defendant; he is my son by a former husband; David was with me until he was about 15 years of age, when he went out to work; he never was of a sound mind; when he was about 17 he was sun-struck, having taken a fit in the street; several times he has gone away from home and staid away several days; sometimes he would be in the country at work, and would come home to me; about the time he was 18 years of age I considered him insane; the day he was sun-struck he had several fits; these fits continued every four or five months; he would fall down in a spasm; he was married when he was 21, and I can't say much about him, except that he would come to my house and say he was so and so, and would be some home from the war and commanded me to open the door; I went down at 11 o'clock and opened the door; he ran right up stairs and never spoke to me; he took his little boy out of bed and would have him to go home with him; he said we were all robbing him; he took his little boy away, and I saw nothing more of him for a day; I sent down in the morning to see what had become of him; the fit was over the next morning, and he sent the boy back, saying he was sorry for what he had done; he had not been in a drunk insane; he is dead now; she was in the hospital.

Cross-examined.—My son will be thirty-five next June; he was in the army three years; before he went to the army he went up and down the river; he took good care of his family; his aunt was left a legacy of new parchment indexes for deeds, &c., said work having been done by order of the court. Passed.

Mr. Ludlow called up the ordinance creating a loan of $600,000 for the relief of families of volunteers. Passed.

FIRES.

The Committee on Trusts and Fire reported an ordinance appropriating $1,480 for the extension of the telegraph wire to Moyamensing Prison, and to place signal boxes in that place and Fifth and Tasker and Twenty-fifth and South streets. Passed.

SUPERINTENDENT OF TRUSTS.

Select and Common Council then met in joint convention and elected Charles Oat Superintendent of Trusts.

An ordinance, appropriating $100 for expenses of committee which went to Harrisburg to have the new tax law amended, was agreed to.

Several ordinances from Select Council were concurred in. Adjourned.

THE COURTS.

Supreme Court at Nisi Prius—Justice Strong.

APPLICATION FOR AN INJUNCTION.

The Lehigh Coal and Navigation Company vs. The Lehigh Valley Railroad Company. In Equity.

This is an application for an injunction to restrain the railroad company from cutting away any part of the mountain, forming the western abutment of Dam No. 4, in the Lehigh river, and also from building or depositing any stone or material on the lands adjacent to the said dam, and, also, from extending the width of their railroad bed, at or near the said dam, in such manner as to narrow the vent for the water of the said river or obstruct the flow thereof during freshets, and from approaching within ten feet of complainants' works, at or near the said dam, with their railroad or any part thereof; and the court will order and decree that all the said stone and obstructions shall be removed.

Argued by Gibbons and George M. Wharton, Esq., for complainants, and by Mr. Brewster for the defendants, and held under advisement.

**Court of Oyer and Terminer—Hon. James R.