The Pittsburgh Gazette

CITY AND SUBURBAN.

THE COURTS.

United States Court—Judge McCandless.

No business was transacted in this Court yesterday.

District Court—Judge Williams.

WEDNESDAY, Jan. 29.—The case of Hanna, Hart & Co. vs. the Pittsburgh, Brownsville and Geneva U. S. Mail Line, reported yesterday, occupied the entire session without being concluded.

Following is the list for Thursday:

2. Thos. J. Sheok vs. Wm. Reed.
3. Isaac Rodman et ux. vs. Nancy Armor's exrs.
4. Patricks & Friend vs. Wills & Coyle.
5. City of Pittsburgh vs. Christopher Zug.
7. James H. Galer vs. H. Riddle.
8. J. J. G. Patterson & Co. vs. Building Committee Pittsburgh Savings Bank.
29. Cyrus Miller vs. Fuller & Eastman.
30. Steamer Dolphin vs. McCloy & Bro.

Common Pleas—Judge Mellon.

WEDNESDAY, Jan. 29.—In the case of Patrick O'Conner vs. Keyran Bracken, reported yesterday, the jury brought in a verdict for the defendant.

The next case taken up was the West Branch Insurance Company vs. John Frank. An action to recover $15,00, being an assessment of 15 per centum on a certain promissory note—said assessment provided by a resolution of said creditors, agreeable to the act of Assembly incorporating said company. Non-suit entered.

Emanuel Ruth vs. Daniel Martin. Action to recover the sum of $100, being for a certain bill on the Oil City Bank, paid by defendant to plaintiff, which proved to be worthless. Verdict for the plaintiff for $100.

John Korvin vs. Andrew Graham and Samuel Fletcher. This was an action to recover the sum of $47,50, being the price of cattle sold and delivered by plaintiff to defendants. Verdict for plaintiff for the amount of his claim.

Joseph Fleming & Co. vs. Charles H. DeKnight. Action to recover damages alleged to have been sustained by the plaintiffs in consequence of the failure of the defendant to fill a contract for oil, made by him with the plaintiffs on July 5th, 1867. Amount claimed $850. On trial.

On motion of A. M. Brown, Esq., H. A. Miller, Esq., of Franklin, Venango county, was duly qualified and admitted to the practice of law in this Court.

Following is the list for Thursday:

8. (Sept.) Ward vs. O'Neill.
38. (Dec.) F. E. M. Turnpike Road Co. vs. Mc. Jarvis.
39. Shaffer vs. Hoag.
41. O'Connor vs. steamboat "Fox."
42. Rost vs. Kramer.
44. Obringer vs. Kramer.
45. Rost vs. Kramer.
47. Wilson vs. Scott.
67. Obringer vs. Bauer.
68. Mayern & Bro. vs. Decker.
69. Coleman vs. O'Brien.
37. Robinson vs. Spencer.
53. McElghs et ux. vs. McTigh et ux.
54. Kopplitz vs. Hageman.
55. Geib & Co. vs. Hardt et al.

Crystal Water Company of Allegheny (Consumers' Water Refused.

In the matter of the application for a charter of the Crystal Water Company of Allegheny County, proposed to be located in Lawrenceville, argued in the Court of Common Pleas sitting in bank, Judge Sharpe delivered the following opinion:

The preliminary order in this case was made by the Court on the 2d day of November, 1867. At the time the borough of Lawrenceville was a municipal corporation, with a Burgess and Council having control over the streets and highways within its corporate limits.

There then was no legal obstacle in the way of granting this charter, (nor would there be any now, so far as we see, if the same state of things existed,) but since that time the Eorough and Commonwealth have ceased to exist, and of course we cannot now grant a charter in which there is a provision that the company supplying for the charter shall have the right to lay down water pipes and use the streets within the former corporate limits for the purpose of carrying water to such points as the Councils of the Borough of Lawrenceville may designate.

We are therefore compelled to refuse the final order accompanying this charter.

Oyer and Terminer—Judge Mellon.

TRIAL FOR HOMICIDE.

The case of the Com'th vs. James Montooth, indictment for homicide, was taken up. District Attorney Duff appeared for the Commonwealth and Messrs. Howard and A. G. Cochran, Esqs., for the defense. The indictment charged Montooth with murder in causing the death of Owen McGovern on the evening of Thanksgiving, 28th of November last, by stabbing him with a knife in the neck. Considerable time was spent in impanelling a jury, and this being done, the Court took a recess till a quarter past one o'clock. Having re-assembled Mr. Duff opened the case to the jury briefly. The killing took place at the tavern of John McCarthy, in Pitt township, near Lawrenceville, where the parties boarded. Montooth, defendant, was injured at the explosion of Reese, Graff & Dull's rolling mill, and was still unable to work at the time of the occurrence.

John McCarthy, sworn—Owen McGovern died at my house, in Pitt township, (but within city limits) on the night of the 28th of November last, of a wound in the neck.

Thomas Robinson, sworn—Was called to see McGovern in his last illness about half past six o'clock on the November 28th. When I first saw him he was pulseless at the wrist. The wound was on the right side of the neck, and penetrated into the windpipe; looked as if it had been inflicted with an instrument from three to four inches in length. The exterior jugular vein was severed and the anterior jugular. The wound was necessarily fatal; when I arrived the man had bled sufficient, in some death. Ordinary penknife, or small blade, shown.) The wound might have been inflicted with an instrument like this.

John McCarthy, recalled—The deceased and the prisoner boarded with me. They went to supper on the evening of the occurrence, Montooth came out first and sat down on a bench near the stove, five or ten minutes after McGovern came out and sat alongside of Montooth, throwing himself heavily upon or against him. Montooth asked why he did so; when he (McGovern) knew he (Montooth) was injured; McGovern said Montooth was not as much injured as he pretended to be; Montooth said that was no difference to him, (McGovern), and he should treat himself against him as he had been in company with during the day. Wild words were used. Montooth calling McGovern a "son of a ——," repeated the words three times; when Montooth struck me a blow over the eye, and then struck at McGovern with a large forward, straight blow; towards McGovern, who stepped back; went to the bar, and coupled slightly; he passed along the bar, rubbing his back against the counter, and as a young man with whom he was acquainted—came in the door McGovern asked him to look at the wound; saw it; there was cut the examination was made, his shirt was found bloody, and when his shirt collar, which appeared to fit tightly, was opened, the blood gushed out in a stream. Witness saw nothing in Montooth's hand. Could not be suspicion of any cutting until the fact was discovered. McGovern seemed to be in the influence of liquor.

Cross-examined—Deceased had been boarding at the house for six or seven weeks; the prisoner for a longer time. When the deceased first came to the house the only one he appeared to be acquainted with was Montooth, and he roomed and slept with him. Montooth was one of the men injured at the explosion at Reese, Graff & Dull's rolling mill, and had not been at work for some time.

Daniel Brown, sworn—Was in the house at the time of the occurrence; heard McGovern call Montooth names, and say he would whip him if he (Montooth) would clear him of the law. Saw Montooth make a lunge at McGovern, but did not know at the time that any cutting was done. Montooth told McGovern that he did not want anything to do with him.

Miles Henderson, sworn—Was not present in the house at the time of the cutting; heard a man in the bar and went in; saw Montooth standing near the stove with a knife in his hand. Unclasp open; he said he would cut the s—— of a b—— heart out; McGovern was then standing with his back against the bar; McGovern asked witness to examine if he was cut; witness examined and found he was cut in the neck. Afterwards witness took Montooth into custody, and went with him to the Mayor's office. He admitted having done the cutting, and said he would have to stand for it. Witness obtained the knife with which the cutting was done, and said the one shown in evidence looks like it.

The Commonwealth here rested their case.

Mr. Cochran opened for the defense, contending that the prisoner had done nothing in him which the law justified him in doing in self-defence. The deceased had been drinking during the day and was quarrelsome. The prisoner was injured, unable to pursue his employment, and was seated at the stove, after supper, picking his teeth, with his knife, when deceased assaulted him, first throwing himself against the prisoner, and when remonstrated with swearing he could and would whip his "dirty s——," and continuing his annoyance until he received the blow which caused his death.

Joseph Purcell, of the Fifth ward, testified to the good character of the prisoner for peace; never heard of him being in any difficulty.

Robert Corcoran, of Allegheny, had known the prisoner for sixteen years, and had never heard of his being in any difficulty before this one.

John Johnston—Had known the prisoner from boyhood, was a boy with him in the old country. Never knew him to have a quarrel with a man until the present case.

Wm. Gowens, of East Birmingham, had known him from infancy. Never heard of his being under arrest until the present time.

The testimony of Patrick Murray, (absent from the city,) taken in writing at the Coroner's inquest, was read by consent. Murray stated that Montooth had a knife in his hand, and that Montooth told McGovern that he would cut it, cut him, if he struck him (Montooth) again; that McGovern again slapped him, when Montooth got up and used the knife, cutting McGovern.

The testimony having closed the jury were addressed by Messrs. Cochran and Howard for the defense and Col. Duff for the prosecution. A verdict will be rendered to-day.

Undecided.

In the case of the Commonwealth vs. Ann Markin, residing at Wood's Run, indicted as a "common scold," on oath of Thomas Foley, a neighbor, which was on trial Monday afternoon and Tuesday morning, the jury rendered a verdict of not guilty, the defendant and prosecutor each to pay one-half the costs. So the question as to whether Mrs. Markin is or is not a "common scold" cannot be said to be satisfactorily decided, and it is not likely, from the encouragement received, Mr. Foley will make another effort to establish the fact. It is to be hoped that Justice Kerr, who reigns at Wood's Run, will be equal to the task of regulating a constituency somewhat boisterous at times, as seems to be the case from his returns to Court.

Admission to the Bar.—In the District Court yesterday, on motion of Major A. M. Brown, H. A. Miller, Esq., of Venango county, was admitted to the bar.

Two Elegant Lady Skaters at the Rink this afternoon and evening.

Terrible Slaughter of Goods—Panic in the Boot and Shoe Trade.

Messrs. Smithson, Vanhook & McClelland, at 65 and 67 Fifth street, are creating immense excitement in the boot and shoe business of this city, by marking down their immense and well selected stock of goods, and selling them at the following named prices:

Misses' high cut (tipped) Balmorals, $1. Ladies' fine calf Balmorals, $1. Children's kid polish Boots, $1 to $1.25. Women's Lasting Gaiters, $1. Ladies' glove kid polish Balmorals, $2.50.

Fine French Morocco polish Boots, $2.50.

Misses' fine Kid Boots (high cut,) 1.50.

Ladies' fine Creed Walking Boots, (extra high cut,) $3.25.

Full line of Ladies' Morocco Balmorals (cushioning,) $2.25.

Ladies' Kid Slippers (heeled,) 87 cts.

Best two ply all wool Carpet (per yard) 75.

Blankets, Dry Goods and Notions marked down in like manner. Purchasers must be sold within thirty days. Don't forget the place.

SMITHSON, VANHOOK & M'CLELLAND, 65 and 67 Fifth street.

Miss Leale and Miss Sarah Tobey at the Rink this afternoon and evening.

Remaining North Kverlig.

Business men and others who have occasion to dine "down town" should not forget that Holtzheimer's Continental Dining Rooms are on Fifth street, one door east of the Postoffice. The management of the Continental can only be accounted for from the highly creditable manner in which it is conducted, and the obliging and polite attention given to the business by the gentlemanly proprietor, Mr. William Holtzheimer. As is also the variety and requirement of his patrons, Mr. H. is unequalled. The cleanliness and refreshments of the Bar, free lunch, cordial is always apparent on entering it, and the excellent manner in which every thing is served up is hardly surpassed by that of an opluine. Meals are served at all hours and at reasonable rates. Remember the place, east of the Postoffice, is the place.

E. T. Goodrich, Champion of America, exhibits at the Keystone Rink this afternoon and evening.

Pittsburgh Crackers.

The use of crackers has become so general of late years that they have become an almost indispensable article, and there is no place in the world where a better article, or a greater variety is produced than in Pittsburgh, where we have a number of establishments engaged in the business, among the most prominent of which are Wray Brothers, Nos. 29 and 31 Irwin street, whose attention to business, fair and honorable dealing with their customers, has established for them a reputation of the highest order. They will be pleased to publish a list of their crackers, and feel confident that they will recommend themselves. They also manufacture a specialty of pilot bread, and will be made to all points, and packages delivered promptly in Pittsburgh, Allegheny, and the surrounding boroughs.

Grand Masquerade and Fancy Dress Carnival at the Rink, this evening. Room for 3,000 spectators. Ladies and gentlemen wishing to appear in costume can procure tickets during the day at the Rink.

Fine Jewelry.

A more splendid assortment of jewelry than is presented to view on entering the old and well established store of Bryan & Scheide, No. 29 Fifth street, is seldomlf ever found in this or any other city. The reputation of this firm is so well established here that it is unnecessary for us to say anything in regard to it, further than call attention to the fact that the class of goods, and that the purchaser may feel assured that any article purchased there is strictly what they represent it to be.

Two Elegant Lady Skaters at the Rink this afternoon and evening.

Good Goods at Gold Prices.—Having marked down my goods to gold prices I will sell my entire stock of boots and shoes of all kinds for ladies, misses and boys, at prices lower than they have been sold since the war. I warrant all my goods, both leather and work, and will treat every one alike. Call and see for yourself. Remember the place, 29 Market street.

J. G. WINEBRENNER.

Miss Leale and Miss Sarah Tobey at the Rink this afternoon and evening.

Fresh Street Property at Auction.—On Saturday, February 1st, at 2½ o'clock P. M., on the premises, Messrs. Smith, son, Vanhook & M'Clelland will sell at auction that very desirable four story (New York style) brick dwelling house, No. 67 Fifth street, near Wood, with all the modern improvements including gas fixtures, &c. Also, a two story frame dwelling. See auction advertisement.

E. T. Goodrich, Champion of America, exhibits at the Keystone Rink this afternoon and evening.

Furniture, Pianos and Carpets at Auction.—This (Thursday) morning, January 30th, at 10 o'clock, will be sold at the Masonic Hall Auction Rooms, 55 and 57 Fifth street, an assortment of Upholstery, Carpets, Mattresses and Cigars. Also one fine Schoenacker and one Chickering 7½ octave Pianos. See auction advertisement of Smithson, Vanhook & McClelland.

Grand Masquerade and Fancy Dress Carnival at the Rink this evening. Room for 3,000 spectators. Ladies and gentlemen wishing to appear in costume can procure tickets during the day at the Rink.

What Our Citizens Want.—Call and see our supply of Dry Kladling Wood. We will deliver it to anythully free of charge for 50 cents per barrel. We believe it will please all those who try it. Leave orders at the Iron City Match Works, corner of Seventh and Grant street, Pittsburgh.

To Wholesale Buyers of Dry Goods we are offering special inducements—Job lots from the Eastern Auction Sales—shawls, Dress Goods, Housekeeping Goods, Mens' Wear, Sheetings, Shirtings, Prints, &c.

J. V. BARKER & Co.,
59 Market street.

Muslins Damaged by Water.—Two cases bleached Mus slin, Muslins, slightly wet, for sale at 9 and 12c, on West corner Market and Fourth streets, No. 69,

THE GARDNER & STEWART.

Housekeeping Goods.—Extraordinary bargains in all kinds of Housekeeping Goods, Table Linens, Napkins, Doyilies, Towels, Toweling, Quilts, Sheeting, Ticking, &c., at Barker's.

Twenty thousand dollars worth of Ladie's and Children's Cloaks, selling at half price at Spence's, No. 73 Market street.

The largest and best assorted stock of Ladie's Cloaks in America, selling at half price at Spence's, No. 73 Market street.

Tyer Muslins.—Two cases Pillow Case Muslins, slightly wet on edge, at fifteen cents per yard, at Barker's.

Call and Examine the large and complete stock of Ladies' Furs, at William Fleming's, No. 139 Wood street. tf

STEAMSHIPS.

STEAM TO AND FROM
LIVERPOOL & QUEENSTOWN, Ireland,
THICE A WEEK.
THE INMAN LINE,
Sailing EVERY SATURDAY—EVERY WEDNESDAY—carrying the U. S. Mails. Tickets sold to and from Dublin, Londonderry, Liverpool, Scotland, Glasgow and France.
WM. BINGHAM, Jr.,
Exclusive Agent for Book Cabin Passenger
No. 56 FIFTH STREET,
Adams Express Office, Pittsburgh, Pa.

CITY ITEMS.

[COMMUNICATION.]

EDITORS GAZETTE:—*Dear Sirs*: As there seems to be a general misunderstanding in reference to my non-appearance at Central Skating Park, Pittsburgh, you will confer a great favor by allowing me through your columns to state a few of the facts. Sometwo weeks since I made arrangements with the proprietors of the Central Park to give exhibitions in Fancy Skating one week and to skate the championship match at their Park during the week, for which I was to receive a certain remuneration. After my arrival here last Monday, I found my contract was not binding, and as they refused to make it so, or give me security for my money, I refused to skate. Since then they have taken it upon themselves to award Mr. Swift the championship, which he does not claim, and will not unless he wins it in a fair match, and as I still wear the champion medal of America, until I am fairly beaten I shall continue to sign myself,

Yours, respectfully,
E. T. GOODRICH,
Champion Skater of America.

P. S.—I give exhibitions in fancy skating the balance of this week at the Keystone Skating Rink every afternoon and evening, where I am sure of my pay, and where I will be pleased to meet the many kind friends I made in Pittsburgh last winter, and who may rely on my sparing no pains to try to please and amuse. E. T. G.

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Wedding Cards.—Call and see the latest styles of Wedding Cards, at Fleming's, No. 139 Wood street.

Lecture.—Rev. Dr. Hall will lecture to-night in the Second Presbyterian Church, Allegheny, on "Modern Infidelity."