

CITY AND SUBURBAN.

The Highway Robbery Case—Second Trial—One of the Accused Discharged—The Prosecutor Committed for Perjury.

We published a few days since an account of the alleged robbery of Labius B. Kelly, shoemaker, of Turtle Creek, by Thomas Devine, Ed. McGinn and James Brightmore, these drivers, at a house of ill-fame on Mill-

enberg's alley, in this city, and also a report of the hearing before Alderman Owsen, deputy Mayor, who discharged the accused. A second information being made before Alderman strain, another hearing of trial of the case took place yesterday. At the hour appointed the parties appeared, the trial proceeded, and the following evidence was adduced:

L. B. Kelly, the prosecutor, testified that he resided at Turtle Creek, and is a shoemaker. He had no acquaintance with the prisoners, except to know them by sight. On Thursday last he came to town, arriving about ten o'clock P. M. He went to the Rush House, but could not get lodging. He started away, and McGinn took him to get into the wagon, and he would take him to a place where he could get lodging and breakfast. He got in, and they put the German on at the corner, and took the witness to a house of ill-fame, where Devine demanded five dollars. The witness refused, and said he had not so much. Devine then left. McGinn came up, and said he was going to buy a pair of boots. He offered three dollars, and took out his pocket book, containing fifty dollars. McGinn

took the money except forty-five cents, and then left. The witness immediately left, and he was standing by the door. Devine had driven the wagon. Brightmore remained in the wagon, but had come to the door and let the others to come away and let the man alone. When witness went out, the men drove away, and the witness followed at between eleven and half past. On cross-examination the witness said he came back in the morning, and went to Williamsburg to collect a bill. He returned here in the evening and took four drinks. He did not know any of the men who were with the men drove him to, and they did not stop at any other place. He did not tell officer Grover that he had paid those men three dollars, and that was all the money, except a few cents. He denied, also, that he had been robbed of forty-five dollars. He stated that he lost two \$20 bills in National currency, a \$10 greenback, a five dollar bill, two one dollar bills and three dollars in coin. He had not seen the three dollars in coin. He had the money when he entered the house. When McGinn took the money he said nothing, for he thought it had been used. He remained about fifteen minutes at the house after the men left, but said nothing to the persons there about the robbery. He got one twenty dollar bill from a railroad man at Turtle Creek. He saw an acquaintance at the Rush House when he returned, and told him of the robbery. He had having said that he had paid to the driver all the money he had. There were two men in the room when he was robbed. There was no light in the room except from the fire in the grate.

Mr. Robling, an employe of the St. James Hotel, testified that he was in the room when he heard a noise outside, and on going out saw a German in a wagon with Devine. He saw Devine where he was going with the man, but received no answer. Followed the wagon to Canal street, and then saw Brightmore with Kelly approaching the wagon. The German got off the wagon at Penn street, and McGinn, Brightmore and Devine got in, and drove down Penn street. Kelly did not seem to be drunk. Saw him afterwards at the Rush House and he seemed to have been drinking. He said he had been robbed, and witness consulted him to keep quiet, as he knew the parties he had been with. On cross-examination, witness stated that he thought McGinn was in a wagon when Kelly and Brightmore got in. Joseph Kolback, a resident of Allegheny, testified that he was in a wagon on the night mentioned, and Kelly got in when he got out. McGinn and Devine were in the wagon. He thought Kelly and the others were a little drunk.

This closed the testimony for the prosecution. For the defense officer Roger O'Mara testified that on the night in question he saw Kelly at the Rush House, and heard him say that he had been overcharged by the defendants, but heard nothing when he was having been robbed. There were several parties talking to him, and witness said he told to him, and reported to him whether Kelly knew that he was an officer or not. Brightmore was in the crowd, but whether Kelly saw him or not witness could not say.

Officer Daniel Grover testified that he is an officer stationed at the Rush House heard defendant complaining of being overcharged; asked him what was the matter, and was told that the three men had charged him three dollars, which was all the money he had, except eighteen cents. Did not get the impression that he had been robbed. Did not hear Kelly tell Mr. Robling he had been robbed. Lieutenant Seth Wilmut testified that on the morning of the 24th he saw Kelly at the prosecutor's office. He said he had been robbed of \$45. Then he said he had been robbed of \$55. Finally he said \$65 had been stolen from him. Witness thought Kelly was intoxicated.

James Archibald testified that he saw Kelly in the Rush House on the morning in question, and he complained of extortion by the defendants. Mrs. Fanny Spiane testified that Kelly was brought to her house on the night mentioned, and McGinn and Devine were with him, all being under the influence of liquor. Witness saw Kelly pay some money to McGinn, but did not know how much. After the men had gone, Kelly said he was afraid to go out, and said a little while said he had no money, but a check for \$100 or \$200. Did not say anything about being robbed. Had been sitting in such a position that she could see what took place between Kelly and McGinn.

Mary Kaufman was sworn and corroborated the testimony of Mrs. Spiane. Jas. Martin testified in effect as officers O'Mara and Grover had done. No further testimony was adduced. At the request of the prosecuting counsel Brightmore was discharged, and Devine and McGinn were held for a further hearing on Saturday afternoon at three o'clock. After the hearing James Brightmore, one of the defendants, made information charging L. B. Kelly with perjury. The case was held over for a hearing. It will be observed by the evidence of the prosecutor that he not only testified to the fact that he was robbed, but also identified the man who committed the robbery, and his accomplices. His statement corresponds precisely with that made under oath, before deputy Mayor Owsen. In several important points he is fully corroborated by N. M. Robling, who was corroborated by Kelly's own testimony. The only fact which he saw Kelly get into the wagon with the accused, and that he next saw him at the Rush House, where he heard him say he had been robbed. He is also corroborated in part by the testimony of Joseph Kolback, who testified that he saw Kelly in the wagon, and saw Kelly get in, after which he got (Kolback) out. The testimony on the part of the defense is to make the most of the negative character, and of that kind it is admitted at all, should be considered by a jury on the trial of the case. There is, however, not a single fact proven by the defendants, which does not in some point, material of immaterial, corroborate the testimony of the prosecutor. The only fact established by the testimony of Mrs. Archibald, that Kelly was at the Rush House at the time he said to have been committed.

THE COURTS.

United States District Court—Judge McCandless.

In the bankruptcy branch, Messrs. McElroy, Dickson & Co., of this city, filed a petition against J. D. and J. O. Vogan, doing business as Vogan & Bro., Annandale, Butler county, asking that they be adjudged bankrupts. The petitioning creditors allege that the Messrs. Vogan are indebted to them in the sum of \$304.40, and that, with the intent to defraud, hinder and delay them and other creditors, they have disposed of their store and goods valued at \$5,600, to Harlan Rook, Annandale, together with their book accounts, etc. It is alleged that D. Vogan, one of the firm, has left the State, for the purpose of defrauding the creditors of the firm. Other acts of bankruptcy within the meaning of the laws are alleged, and the petitioners therefore asked that the debtors be granted a writ of sequestration, directing them to show cause why the prayer should not be granted. The rule was made returnable on the 9th day of May.

The law charges were granted and certificates awarded to Orman Osborn, of Warren county, Charles R. Brown, of Erie county, not in the petition, and to J. W. Williams, of Kussell, Erie county, John F. Baker, of Toga county, William H. Baker and Lewis W. Jones, of Wayne county, and J. W. Jones, of Wayne county. Petitions for final discharge were filed by Amos J. Jolly, of Uniontown, John P. Cooper, of Uniontown, and W. H. Vahn, of Snodgrass county, and W. H. Vahn, of Snodgrass county.

Petitions for adjudication were filed by Jacob Dundore, of Union county, and Nathaniel H. Hinchman, of Westmoreland county. In the case of L. D. Taylor & Co., bankrupt, a special order was made by the Court, directing the assignee to make an advertisement to sell either at public or private sale the whole or any part of the real estate of the bankrupt, after advertising the same in a Toga newspaper, and by hand bills posted in the town of Uniontown, on or before the 15th inst. In the case of Ellis Harris, in motion of G. S. Berry, Esq., counsel for creditors, special commissioners were appointed in Allegheny county, and in Boston, to take testimony.

Case of Common Pleas—Judge Streett. In the case of Charles vs. Humphreys, the jury found for the plaintiff in the sum of \$201. In the case of the Pennsylvania Railroad Co. vs. John E. Stevenson, the jury found for the plaintiff in the sum of \$235.20. In the case of the Pennsylvania Railroad Co. vs. John E. Stevenson, the jury found for the plaintiff in the sum of \$235.20. In the case of the Pennsylvania Railroad Co. vs. John E. Stevenson, the jury found for the plaintiff in the sum of \$235.20.

Body Found—Coroner's Inquest. Between seven and eight o'clock yesterday, the body of a man was found floating in the Monongahela river, opposite the foot of Penn street, by Mr. William Hoffman, who was crossing the river in a skiff. The body was identified as that of Martin Connor, a laborer, who fell overboard from the steamer J. N. McCullough, when lying at the Monongahela wharf, in the city, on the 23rd inst. The deceased at the time of the accident was sitting on the stern of the steamer, and was leaning over the side, when he fell overboard. The body was recovered by the skiff, and was taken to the morgue, where it was examined by the coroner. The cause of the accident is not yet ascertained.

Safe Keeping. John Grace, a young man recently from New York, made information before Alderman M'Masters, yesterday, charging Mrs. Lee, of Allegheny, with larceny by the city, in the sum of \$100. He alleged that he had been overcharged by the defendant, and that he had been robbed of the money. He alleged that he had been overcharged by the defendant, and that he had been robbed of the money. He alleged that he had been overcharged by the defendant, and that he had been robbed of the money.

The Haymakers in Costume. The beautiful cantata of the "Haymakers," which was produced at the Academy of Music some time since, and which was so highly applauded by all who had the good fortune to be present, will be reproduced Saturday afternoon at the same place, by the same artists. It will doubtless be well attended, as the musical reputation of those having it in charge is sufficient to recommend the entertainment to all who have the opportunity to see it. The production will be complete success before, and have no hesitancy in predicting a still greater success for it this time.

Sharp Practice. David Bovall's Section Boss for the Pittsburgh & Connellsville Railway company, made information before the Mayor yesterday, charging David Mullany with obtaining money by false promises. He alleged that he had been overcharged by the defendant, and that he had been robbed of the money. He alleged that he had been overcharged by the defendant, and that he had been robbed of the money.

Determined Lover—George A. Harvey made information before Alderman Taylor, yesterday, against Daniel Haney and Michael Keenan for larceny of the peace. Harvey, it appears, eloped with Haney's sister, for whom it is stated Brennan has a "sweetness." The "big brother" William disappointed lover, hearing of the elopement, started in pursuit and succeeded in overtaking the fleeing pair, when it is alleged they were seized by the police. The couple were arrested and held for a hearing.

A Modern Don Juan—Catharine Wentling, a young widow, made information before Alderman Taylor, yesterday, charging Stephen Belling with larceny of the peace. She alleged that she had been overcharged by the defendant, and that she had been robbed of the money. She alleged that she had been overcharged by the defendant, and that she had been robbed of the money.

A Wife Beater—William Shields, a resident of "Waterfoot Square," Fifth ward, Allegheny, was arrested yesterday by the police, for beating his wife. He was charged with larceny of the peace, and with beating his wife. He was charged with larceny of the peace, and with beating his wife.

Beating a Child—William Downey was charged on oath, by Nicholas Slagov of this township with assault and battery. It was alleged that the accused beat and abused a child named John, the son of William Downey, before the informant, on the 23rd inst. A warrant was issued for the arrest of Downey.

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WHATSOEVER may be the result of the Southern elections, the Southern States have for the first time been treated to the novelty of a free, untrammelled political discussion. No restraints have been placed upon the politicians or newspapers in the support of their party and candidates have been concerned. They have written and said what seemed best to them from Florida to Arkansas, without fear of Government restraint or popular violence. Mob law, which, in former years, blenched opposition and controlled elections, has been done away with, and the press and the people now express their opinions with impunity, and free discussion prevails. If the Southern will continue to suffer from wrongs, this very freedom of thought and speech will sooner or later right them, and will at the same time insure protection for the liberated bondman.

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THE NATIONAL BOARD OF TRADE—Arrangements have been perfected for the meeting of the National Board of Trade, and Philadelphia has been selected as the place, and the 3rd of June the time for the meeting. A number of Philadelphia gentlemen have been appointed to receive the delegations, and in the name of the Philadelphia Board of Trade, and the merchants, manufacturers and citizens, to extend to them a becoming hospitality.

PRESIDENT LORD, of the Indianapolis, Cincinnati and Lafayette Railway, has concluded a negotiation, a combination, by which the control and direct property interest in the North end of the Louisville, New Albany and Chicago Railway—that part of the road between La Fayette and Michigan City—passes into his hands. This will give the Baltimore and Ohio Railway a connection with Chicago, via Marietta, Cincinnati and La Fayette.

THE MANTOUQUE (Wls.) Tribune, of April 16th, comes to its readers with a list of citizens, who perished on the fatal morning of the 9th of April. Among the list are the names of some of its most prominent old residents.

THE Chicago Herald and Gazette says that a special train on the Illinois Central Railroad, a few days ago, made the trip through from Cairo to Chicago in ten hours and ten minutes, including all stoppages.

Col. Tabor Naphegy, a Hungarian author, has been arrested at New York, on a charge of swindling. He was charged with the swindling of \$50,000, through a forged letter from Beverly Johnson. Naphegy was formerly an agent of Santa Anna. He was held to bail in \$10,000.

The chair factory of Peterson & Robinson, Cincinnati, was destroyed by fire Wednesday morning. The fire communicated to several adjacent dwellings, which were speedily destroyed. The total loss will amount to twenty-eight thousand dollars. Insurance, eight thousand dollars.

The loss of the receipts from nearly all the collection districts in the United States proves the revenue for the last five months to be less than the rate of one hundred and thirty million of dollars per year, or five million less than the estimate made by Special Commissioner Wells.

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THE SOLDIERS' MONUMENT.

The Disapproval of the action of the Executive Committee of the Allegheny County Soldiers' Monumental Association, in selecting a lot in the Cemetery on which to erect the monument, has been so generally expressed that it is hardly probable they will now insist upon placing it there. It is not fair to presume that a Committee of ladies and gentlemen composed of such high toned moral persons as constitute this Executive Committee will allow either a feeling of petty sectional jealousy or self-interest to have so strong an influence on their actions as to lead them to do that which has been generally objected to and condemned by the public. We are not disposed to believe them so heartless and self-willed as to act not only independent of public opinion, but in direct opposition to an almost universal expression of it. We have not heard a single person outside of the Committee express an opinion favorable to the erection of the monument in the Cemetery, and we think there is not a man or woman in the county, not interested in the Cemetery, but who will express such an opinion. We would regret to have this committee do that which would detract from the well merited praise received during the progress of the fair, for the energetic and faithful efforts displayed to secure the erection of the monument in the Cemetery. We hope they will consider the matter carefully, and at an early day reconsider the action which is so evidently disapproved by the people. It is also expedient to be prepared, in case of any opposition to the Cemetery, we favor no particular location.

Aerodomes. This is the name given to a new class of houses to be erected in Paris with the approval of the Emperor. The streets are to be widened, and the houses are to be very high. They will be not less than ten stories high, access to the upper ones being afforded by lifts. Iron is to constitute the framework of these vast edifices, which are to rise to altitudes of from one hundred to a hundred and twenty feet. At the fifth story there will be a terrace ten feet broad, which forms a sort of base for the "aerodome" above, and the rooms on this terrace can be occupied for stores, and in this way the second ground. The other parts of the aerodome may communicate with each other by means of bridges thrown across from terrace to terrace, and in this way there would be two towns, one above the other, a large amount of traffic will be carried on without descending into the streets at all. Provisions, fuel, &c., being obtained by means of the lifts. Each aerodome may be inhabited by one thousand people and more, all enjoying commodious apartments, a pure atmosphere, and abundance of light, while the streets below will be wide and airy.

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