CITY AND SUBURBAN.

THE GAZETTE is furnished in the city the six days of the week for 15 cents per week; by mail, \$8 per annum: 3 mos., \$2.

Those who intend spending any time away from home during the summer months, can have the GAZETTE mailed to them by leaving their address at our counting room.

Rectived.-We have received from Mr. W. A. Gildenfenny, No. 45 Fifth avenue, the "Atlantic Monthly" and "Ladies" Friend" for July. Mr. G. is always in advance in these publications.

Constables' Returns.-The constables of the wards of the two cities will be beard on their returns before the Grand Jury on Monday, June 21st, and those of the boroughs and townships on Wednes-day June 23d.

Otothing Stolen .- Martha Gorden, resident of "Hayti," was arrested and jailed for trial by Alderman MoMasters, Jahlen for fina by arbornant and a starting wear-ing apparel, valued at \$11.75, from Susanna Maxwell one of her neighbors,

something New .- A street railway car, with a new patent brake that stops and starts the car without aid from the horses, can be seen on the Citizens' Railway this morning at 94 c'clock. Railway men should examine this invention, as it is a great saving of horses.

Rude Remarks .- Wm. O'Leary was charged before Alderman Taylor, yesterduarged before Alderman Laylor, yester-terday, with entering the store of Dennis McMullen and using very insulting lan-guage toward the proprietor, besides threatening to take his life. Warrant

Three hundred and two cars of the Three hundred and two cars of the Pennsylvania and Allegheny Valley Railroad oil line, loaded with orude oil, passed over the road from Franklin, bound for Philadelphia, one day last week. Twenty-four thousand one hun-dred and sixty barrels were thus ex-ported. ported.

Orchestra Concert.-Extensive rangements are being made for a grand instrumental concert by Teorge's Orches-tra, to take place at Lafayette Hall, on the evening of July 8th. Prof. J. W. Pope will take part and sing his celebrated song "Allegheny."

A Faithless Benedict. - Francis Sweeney A rainicrepseneact.-rrancessweeney colored, says her husband, Joseph, has abandoned her to the charities of the world, first selling off all their house-hold effects, and thus breaking up their, home. Alderman Bolster issued a war-rant for the arrest of Joseph, for these illegal proceedings.

Slight Fire.—Last evening about ten o'clock, a fire broke out in a stable ad-joining the residence of Mrs. Kirkpatrick, corner of Webster avenue and Arthurs street. The flames were extinguished with buckets of water. The Relief steamer was on the ground, but was not in action.

Would go In .- August Goinn was befor Alderman Taylor yesterday on a charge of forcible entry, preferred by Joseph Pearson, of Lawrenceville. It is alleged that, notwithstanding all opposi-tion, true to his name and nature, he an eged they have a been and a sture, he would go into the stable owned by the prosecutor, where he did considerable damage by tearing down a portion of the interior. He was held for a hearing.

Death of Mrs. Stewart .-- It will be seen in our obituary column that the venera-ble and estimable Mrs. Jane Stewart, relble and estimable Mrs. Jane Stewart, lear ict of the late Mr. John Stewart, and mother of John H. Stewart, Esq., former Sheriff of this county, died on the 15th inst. Her funeral will proceed from her late residence. Highland avenue, Nineavenue, Nine-

Decision of Judge Stowe on the Appea from the Judgment of Slavor Drum in Finng Alderman Strain for Disorderiy Conduct-Judge Sterrett Dissents from the Decision. The circumstances attending the arrest

ALLEGHENY DISORDERLY CASE.

of John A. Strain, Alderman of the Fifth ward of this city, and others, a short time since, in Allegheny, while returning at a late hour of the night from a serenade in the suburbs, their

release, second arrest on the day following, and Strain's appeal from the judgment of Mayor Drum convicting him of disorderly conduct, we need not repeat in announcing the decision of the case.

as they are sufficiently recapitulated in .

City of Allegheny) Charge of Disorder-John A. Strain. } ly Conduct.

Opinion by Slowe, J.

This is an appeal from the judgment of the Mayor of Allegheny city, in a sum-mary proceeding, wherein the defendant was convicted of disorderly conduct and fined trents. fined twenty-five dollars and costs.

The question for us to determine is, whether under the proceedings and the evidence adduced before the Court, this judgment shall be sustained or set aside. The evidence shows that defendant,

with some twenty or twenty-five other persons, from Pittsburgh, had been visitng at the house of a gentleman outside of Allegheny city, and that while re-turning home, about midnight, through Allegheny city, some of the party in-dulged in quite vociferous and unmelo-

dious singing, and, according to the tes-timony for the plaintiff, in profanity and disorderly shouts and cries, calculated to annoy and disturb the people residing along the streets through which these persons was a president. The officers persons were passing. The officers, thinking that the party were guilty of disthinking that the party were guilty of this orderly conduct, pursued and arrested them for that offence, in the neighbor-hood. of the Diamond, when the defendant demanded the officers to

show by what authority the arrest was made, and perhaps dared them to arrest him, after which he was taken into custody. It would, seem, however, that after the arrest had been fully made he elled peace and advised and urged

counselled peace and advised and urged submission to the officers, and stated in substance that he would have them pun-ished for their conduct. There was no evidence that defendant was one of those engaged in singing or making a noise, but, so far as the testi-mony shows, was quietly riding home in one of the wagons. .The defendant left a deposit for his ap-

insulting language to police officers and otherwise misbehaving himself, tending to a breach of the public peace and to the The defendant left a deposit for his ap-pearance the next day, and in the morning was sent for by the Mayor, who issued a warrant for his arrest early in the morning, upon an information made by William Bowden, his Chief of Police. After one witness, Charles Buhoup, was heard defendent (seconding to the tranipjury of all well-disposed persons." tion that gives us any light as to what the defendant is charged to have done, to wit: "Making a foud noise in the heard, defendant (according to the tranheard, delendant (according to the tran-script of the Mayor,) waived further proceedings, and the Mayor gave Judg-ment "that delendant was guilty of dis-orderly conduct," and should pay a fine of twenty-five dollars and costs to the to wit: "Making a total house in the street." "Using insulting language," and "misbehaving himself,"are altogether too yague and general, being not facts, but simply the affiant's opinion as to facts. The information should set out as facts

city of Alleghery. Defendant appealed to the Court of Quarter Sessions, the same day, and sub-sequently the record was returned into was charged with, and the Court know whether they fell within the ordinance. this Court. The whole record is insufficient to sus-

The whole record is insufficient to sus-tain a judgment of guilty, if the case was before us on *certiorari*, and would not for a moment. bear the test of clearly established principles in summary proceedings, and we might very well dispose of the case upon that ground alone, if it were not that this is an appeal, which makes it our duty also to refer to the merits of the case, as they

wards to duly frame tis warrant or limit his inquiry. That there ought to be such a formal charge, or complaint, or information, is obvious on every principle of justice, in order that the defendant may be appris-ed of the supposed offense he is to an-swer for, and the magistrate what facts he is to try and adjudicate, and that the amination rendered it unnecessary to inquire into those other matters, and I have no disposition to go out of the record to decide questions which, as the case now stands, are so entirely imma-terial to the question before us, and might possibly be unnecessarily pre-judging questions which may hereafter arise amination rendered it unnecessary to he is to try and adjudicate, and that the conviction may be adducible in evidence prevent a subsequent proceeding for to prevent a subsequent proceeding for the same cause. It is essential that great care should be used in framing or taking the information or complaint, as it is the foundation of all that is subsequently

PIPTSBURGH GAZETTE: THURSPAY, JUNE 17, 1869.

done in the case. In any review of the. matter by a superior tribunal, or on any judicial inquiry in relation to the case, And now, June 16, 1869, this case hav-And now, sure to, 1903, this case hav-ing come before this Court on appeal from the Mayor of Allegheny City, and the said Court having proceeded to ex-amine into the truth of the charges conjudicial inquiry in relation to the case, great importance is attached to it. And the validity of the whole procedure may depend upon its being formal and correct It should, as to the substance of the particular complaint, he accurate, pretained in the information against John A. cise and full, and it ought in general to be as certain in substance as an indict-ment or declaration, and the mistate-ment or declaration, and the mistate-ing from the evidence adduced before the Court that said defendant, was guilty ing from the evidence adduced before the Court that said defendant was guilty as charged, he, the said John A. Strain, is hereby declared to be not guilty of the ment or demaration, and the infector ment or ounission of any material aver-ment in the information is not cured by any statement in the conviction of sufficient evidence to constitute the offence, because the decharges contained in said information, and the conviction before said Mayor is hereby vacated and annulled.

BY THE COURT. JUDGE STERRETT DISSENTS.

fendant can only be convicted of the charge as laid in the information, and that must be sufficient to support the His Honor, Judge Sterrett, stated that not having heard the evidence in the case, or being familiar with the facts, he did conviction, and the evidence could only prove and not supply the defect in the not desire to express an opinion as to the merits, but he dissented from the views of his brother Stowe as to several information. The evidence, as given on the trial, The evidence, as given on the trial, should be particularly stated in the re-gord in regard to the acts done by de-fendant, alleged to constitute the offence charged, to the time it was done and to the place; and it should be taken down from the mouth of the witnesses at the trial, and as nearly as possible in their very words. It is extremely improper to at-tempt to supply this part of the record from memory after the trial has been had and a record demanded by the de-had ant.

State Normal School. According to previous notice, the

fendant, Upon an appeal, however, as in this case, the evidence is not important, as it is our duty to hear the testimony for our-selves; and if, as before stated, all the preliminary steps up to the hearing were correctly taken and set out properly in the recond, we would not quash the con-viction simply because the evidence was not proceed wated of as set out in the Committee appointed by the late triennial Convention of the School Directors of Allegheny county, met at Curry Institute yesterday.

The meeting was called to order by F. C. Negley, Esq., Chairman. On motion, not properly stated, or as set out in the record was not sufficient to justify a conthe Committee was increased till it now viction, as we would if it was before us combraces the following names, viz: John Amoraces the following names, viz: John H. Ralston, James B. Lyon, Wm. Thaw, James Park, Jr., F. R. Brunot, Wm. Frew, Joseph Dilworth, Jr.; H. Shoen-berger, Robert Lea, Wm. Patterson, James Kelly, A. T. Douthett, Moses Chess and F. C. Negley. Mr. Geo. M. Fields, Superintendent of Bayac county, was present and partic Applying these rules, which are well defined and clearly laid down in the various text books and decisions bear-

various text books and decisions bear-ing upon this kind of legal proceeding, to the case in hand, we find that on the 4th of June, Wm. Bowden, who was the Chief of Police in Allegheny city, made an Information in absolute and unquali-fied terms that John A. Strain with others, "on the night of the 3d of June, 1860, in the city of Allegheny, did con-duct himself in a disorderly manner by making a loud noise on the street, using insulting language to police officers and Mr. Geo. M. Fields, Superintendent of Beaver county, was present and partic-ipated in the proceedings of the meeting. He reported that a similar Committee from Beaver county would be present at the next meeting to co-operate with this Committee, and a similar one from But-ler county. In devising measures for esler county, in devising measures for es-tablishing a State Normal School for this

A communication was received from Col. Wm. Espy, offering to increase his former donation of ten acres of land, for a site for the State Normal School, to There is only one part of this informatwenty acres, which, added to four adja-cent acres offered by Capt. John R. Neel, makes an aggregate of twenty-four acress of land beautifully situated within three miles of the city. Mr. James three miles of the city. Mr. James Kelly, of Wilkinsburg, has also of fered to donate ten acres of land beautifully situated on the Pennsylvania Raitroad, at the extreme limits of the city of Pittsburgh. If there are other from any part of the Eleventh Normal School District, who wish to secure the school in their neighborhood, and have ten acres or unwards which they are what the language was, and in what the misbehaviour consisted, so that the de-fendant could know specifically what he Even "making a loud noise in the streat" is too indefinite to convey any concise idea of what is meant, and the charge is ten acres or upwards which they are willing to denote as a site for the same, they will please make the matter known not helped by saying that it tended to a breach of the peace, for that is a conclu-sion of law arising under the evidence. they will please make the matter known at the next meeting of the Convention, which will take place at Curry Institute, 52 and 54 Sixth street, Pittsburgh, on To set out the charge properly, the in-formation should have stated how the noise was made, and in what it consisted, Monday, the llat inst., at two o'clock, P. M. Members of Convention are earn-estly requested to attend punctuall.

Result of Picnic Diversions. Charles Schmalz, one of the parties seriously injured in the row at the PioDISASTROUS FIRE.

Armstrong, Bro. & Co.'s Cork and Compressed Bung Factory Destroyed. A disastrons configration occurred about half-past eight o'clock last even-

ing, by which the Cork and Compressed Bung Factory of Armstrong, Bro. & Co., No. 122 Third avenue, was almost totally destroyed. The building was a three-story brick

structure originally, but recently, owing to the increased amount of business, a fourth story was erected, to make room for new machinery which was placed on the second floor, and which, we are informed,

second floor, and which, we are informed, cost the firm over ten thousand dollars. The fire originated on the first floor, from the engines, near which was a quantity of baled cork, fior, from the engines, near which was a quantity of baled cork, and spread so rapidly that before an alarm was given it had reached the fourth story and was burning furiously. The alarm was given from box 13, to which the engines in the district promptly responded, and in a few min-uites afterward a general alarm was reached which brought the entire debaled cork that before

sounded, which brought the entire de sounded, which brought the entire de-partment into service. The fire was dis-covered about half past eight o'clock, and had gained such headway that the entire building and contents were destroyed. The loss will not fall far short of \$30,000, including machinery and short destroyed.

The loss will not fall far short of \$30,000, including machinery and stock des-troyed. There is a heavy insurance on the stablishment, but we were unable to learn in what companies. The firemen worked faithfully until eleven o'cleck before the fire was entirely artinguished.

extinguished. The livery stable of Jackson and Devore, which is on the opposite side of bevore, which is on the opposite fide of the avenue, was in imminent danger, and the horses were all removed, a pre-cattion which, however, proved unneces-sary as the flames were confined to the building in which the fire originated.

The Co-operative Life Insurance Compauy.

The accumulating policy of this Company is the best system of life insurance et devised. Because:

The contract is simple and can be fully

It is safer and stronger than any gain. It is safer and stronger than any desired an equal sain. It is safer that stronger than any other. A depreciation in values or an epidemic that would destroy an old style company will not injuriously effect the interest of those insured on this plan.

It puts no restrictions on travel nor on any lawful occupation. The Company on any tawful occupation. The Company requires no notes which may seriously reduce the amount of insurance. It requires no interest on imaginary "loans," so as to increase the yearly pre-

nium thirty to fifty per cent. above the bargain. It charges only the actual value of the

It enarges only the actual value of the insurance, and makes no ridiculous pre-tence that you can make filty per cent-"profits" on your investment, and get the amount of your insurance in addi-

tion. Nor does it practice any other deceit. All this is absolutely true, and will be made plain to any one who will call at the Company's office, 128 Smithfield

Pittsburgh Male and Female Seminary. This institution will commence its sec-

ond term on the first Monday of Septem-ber next, under the management of Pro-fessor Fulton Phillips, to whom the un-dersigned has transferred the school. Mr. Phillips is an experienced and suc-cessful teacher, and a gentleman of very superior and scholastic ability. He is earnest and progressive, qualified to im-part scientific instruction in any sphere as instructor of the young. I am happy to recommend Mr. Phillips to my pupils, my patrons and my friends, believing my patrons and my friends, belleving him capable and worthy; feeling assured that those remembered friends, to whom I am so deeply indebted for the eminent 1 an so deeply indecide for the eminent success that has attended my own efforts' will have no reason to regret any patro-nage which they may extend to my suc-cessor. H. I. GOURLEY.

of fine

can never binds knave. PLANTATION BITTERS cures Dyepepeia. Keep no more cats in the house than will catch mice. PLANTATION BITTERS cures Fever and

Agne. War makes thieves, and peace hangs PLANTATION BITTERS CUIPS LIVER COM-

Honest men are easily bound, but you

plaint and Nervous Headache. Time is a file that wears and makes no

PLANTATION BITTERS cures Dissipa-tion and Late Hours. Better have one plow going than two

adles PLANTATION BITTERS are an antidote o Change of Water and Diet. Fools and obstinate people make law-

yers rich. PLANTATION BITTERS purify, strength-

n and invigorate. A kind wife makes a faithful husband.

MAGNOLIA WATER.—Superior to the best imported German Cologie, and sold at half the price. TH.S.T.F.

Special Sale-Brussels and Ingrain Carpets. - Today, June 17th, at 1% o'clock, P. M., at Masonic Hall, Auction Rooms, 55 and 57 Fifth avenue, will be sold without reserve, to close consignment, a large line of new all wool two ment, a large line of new all wool two ply rag, cottage, hemp and stair carpets. Also 650 yards of fine velvet and tapes-try Brussels. Sale positive. For par-ticulars see advertisement. H. B. Smithson & Co.

I. X. L.-Geo. W. Hubley, No. 68 Federal street, has added to his variety rederal street, has added to his variety of House furnishing goods an entirely new double inverse rotary Ice Cream Freezer, called the "I. X. L;" which is a quick and effectual freezer, surpassing all competitors, and cheap.

Sults and Dresses made in newest fashion at Barker's, 59 Market and 20 St. Clair (now Sixth) street, where upwards of \$20,000 worth of goods are now being opened.

Shetland Shawls-in all desirable colors, st Bates & Bell's.

> Public Sales .- The Orrin Newton property, at Shadyside, goes to-day at 3% o'clock; E. R. Wilson's, on Highland avenue, East Liberty, to day at 5 o'clock, and Mr. Les's, No. 205 Western Avenue, Allegheny, on Tuesday next at 2 o'clock. A. LEGGATE, Auctioneer.

Suits of Linen, Hemani, Leno, Marsailles and Silk at Bates & Bell's.

The place to get White Lime, Cal-cined Plaster, Hydraulic Coment. is at Kcker & Caskey's, 18 Smithfield street.

Linen Goods, long variety, at Bates & Rell's.

Constitution Water is a certain cure for

Diabetes and all diseases of the Kid-neys. For sale by all Druggists. TTHS:T.

Japanese Silks in great variety at Bates Bell's.

White Bedouins at Bates & Bell's. Thin Dress Goods, from 31c at Bates &

DIED.

RICHARDS_On Tuesday, June 16th. at Nres. hio, JOHN J. HICHARDS, in abe 34th year of is age. Notice of funeral in Friday's paper.

Notice of funeral in Friday's paper, RAMIG-Wedneeday aiternoon, at & o'clock, CHAWLE, con of rederict and Kate Ramig, aged 3 years and 8 months. The funeral will take place on Fulday AFTER-woox, at 3 o'clock, from parent's residence, 5% Smithal-d street. Friends of the family are kindly invited to atterd. STEWART-At G o'clock P. M. on Tuerday, June 15th, 1869, JANE STEWART, wife of John Flewart, of Hiland avenue, 19th ward. Fitaburgh.

Funeral on FRIDAY, June 18th, at 2 of clock . M. Carriages will leave from Robt. H. Pst-craon & Co's, Seventh avenue, at 18% noon.

UNDERTAKERS.

street. ond term on the first Monday of Septem-

teenth Ward, at 2 o'clock P. M., on Frithe preliminary steps, up to the swearing day, the 18th inst.

Fisticuffit.—The business relations eb-tween George Werner and Louis Frank were the subject of an animated dispute between the parties, yesterday, when, it is alleged, Louis because excited and struck George a powerful blow in the face. The "onpleasantness" occurred on Becond street. Third ward, Allegheny. iace. The 'onpleasantness' occurred on Second street. Third ward, Allegheny. Alderman Bolster issued a warrant for the arrest of the pugllist.

lilegal Threats from an Official.-John Geisinger, a resident of Temper-anceville, made information before Alderman Donaldson yesterday, sgainst John Thompson, Constable of the boreugh, and Samuel Bryan, for surety of the peace- The accused, it is alleged, enred to onter the house of Geisinger, and, being opposed, used some very florce threats sgainst that individual. He was arrested, and gave bail for a hearing.

The ladles of the new Presbyterian Church, at Wilkinsburg, will give, on this and Friday evenings, a strawberry festiyal in their new edifice. They have taken extraordinary pains to render the festival unusually pleasant and in every way a success, and it will doubtless be everything they anticipate. The regular drains on the Pennsylvania road and the street cars on the Oakland road render tried only by indictment or information, in courts of record, according to the es-tablished mode of procedure, the right of trial by jury being deemed essential, and the benefit of the customary forms regarded as the security of perso regarded as the security of personal lib-erty and rights. From an early period, however, in England, it became common to confide by statute, to certain magis-trates, the power to try in a summary manner and without a jury for some of-fences of a lesser grade, or to punish therefor with fine and imprisonment to a limited extent. The intridiction of this street cars on the Oakland road and the the Church easy of access and a train leaves Wilkinsburg for the city at a quarter to ten.

In the Gutter.-Alderman McMasters yeaterday issued a warrant for the arrest of John Armstrong, charged with asyeaterday issued a warrant for the arrest of John Armstrong, charged with as-sault and battery. It is alleged the son of the accused and a boy named Horn-berger were fighting, when Armstrong came to the relief of his representative, and kicked young Homberger inlo the guiter. The difficulty occurred on Fifth avenue, near Stevenson street. The in-formation was made by the father of the intured lad. injured lad.

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All should remember that the great Strawberry Festival in aid of the (Epis-copal) Church Home, is to come off this afternoon and evening. The entertain-ment (weather permitting,) will be everything that the most fastidious could desire. A great variety of fancy articles, prepared by the ladies, will be displayed, and the feast of great things will be overprepared by the ladies, will be displayed, and the feast of good things will be over-flowing—but above all, the consciousness of aiding a most excellent charity will give zest to the pleasures and pastimes prepared for the visitors.

The Musical Contest to-night at the Pittsburgh Female College promises to prove the most enjoyable entertainment of the character ever held in the College Chapel, which is saying a good deal. The exercises will be concluded early enough to permit visitors from outside to get home by the trains and parsenger rallway, cars. Those who desire to par the common law will break in upon him and level all his proceedings. In carrying out this principle, very rigid rules of construction have prevailed. in courts of justice, and the magistrates have always been kept within the strict latter of the statutes or ordinance great enough to permit visitors non outsute to get home by the trains and passenger raiway cars. Those who desire to par-ticipate by their presence, in a contest between vocal and instrumental per-formers, young ladies, of brilliant at-tainments, should by all means visit the Chapel to night. Tickets may be se-cuired at the book and music atores and information. There are some cases information. There are some cases in information. There are some cases information. There are some charge in writing may be is the judges is made up, a corremony which visitors are invited to swait.

against deft. under the evidence, and all sulting lang anguage was, and the same with regard to misichavior. "The description in the informa-

the preliminary steps, up to the swearing tank of witnesses, regular and set out in pro-per shape upon the record, we would con-vict, although the record in regard to istating the evidence and entering judg-to ment would upon certiorari be fatally defective. But unless the preliminary that ilon of the alleged offence ought to be certain and precise, as to the facts and circumstances to the facts and circumstances thereof, so as to distinctly mark and characterize the act complained of, in reference to the provisions, intention and spirit of the statute under which it is prosecuted. Besides the words of the act, there must also be particularity in requashed. The first question then is (assuming that we have jurisdiction in this shape, to which we will refer hereafter,) were act, there must also be particularly in to gard to time, place, and as much other essential circumstances as may be neces-sary for certainty and precision." [See 2 Chitty, gen. prac. 164.] "It is incum-bent," also says the same high authority, to which we will refer hereafter,) were the proceedings regular, as they are set out in the record, and appear under the evidence, up to the time of hearing? That includes information, issuing of warrant and arrest of defendant. This makes it necessary to consider somewhat at leagth the network (page 163,) "upon the magistrate to take care that an informer state in his oath the Care that an informer state in his oath the particular facts as they occurred, and that he do not swear by the card in the very words of the act; and unless facts are apparently truly sworn essential to constitute the offence charged, the mag-istrate should not issue even his sum-mons, and certainly not a warrant, upon general information, however technically somewhat at length the nature of sunmary proceedings, and the technical rules which have been established for

their regulation. By the statem of the common law, persons charged with the commission of criminal offenses could in general be tried only by indictment or information, orrect.

In this case a warrant was issued upon the information of an officer, who says in courf that he knew nothing at all per-

in conretuat ne knew nothing at all per-sonally of the facts he swore to before the Mayor, and that the Mayor knew it when he issued the warrant. The information is not technically cor-rect in several respects, but even if it were, and the Mayor knew that the de-popert was swearing to what he had no ponert was swearing to what he had no personal knowledge of, he should have manner and without a jury for some of-fences of a lesser grade, or to punish therefor with fine and imprisonment to a limited extent. The jurisdiction of this kind became important, and exercised as it was under the supervision of the reg-ular courts according to the prindples of the common law, it proved to be safe and useful. In this class of cases the pro-ceedings before the magistrate are final, except where in special cases an appeal is allowed by statute, and ordinarily the-ecedings as set out therein. Although this kind of criminest trial seems very much at variance with the bill of rights in our Constitution, which so carefully the record and the regularity of the pro-ceedings as set out therein. Although this kind of criminal trial seems very much at variance with the bill of rights in our Constitution, which so carefully guards the right of trial by jury and se-cures to accused persons the benefit of proceedings by indictment and other common law forms, it has been held to be legal, but subject to the closest legal scrutiny by the Courts. There is another defect in the information which is insuperable. It fails to re-fer to the ordinance under which the proceding is instituted, in any shape or

For these reasons we would be com-pelled to quash this conviction; if there were nothing more in the case. Upon the merits, under the evidence, the case is no better for the plaintiff. That there is no better nor the increase parts of the second legal scrutiny by the Courts. It is an established rule that no sum-mary conviction will stand for a noment without a sufficient record. Indeed a record is an absolute prerequisite to a commitment, and without it not only is the party entitled to his discharge, but the magistrate liable to him in trespass. is no better for the planta in the parts of the parts in this party, is pretty clearly estab-lished, but that defendant took any part in the disorder is not shown by the plain-tiff, and the contrary is proved by the

Under the evidence, if the proceedings were regular, we should adjudge the de-fondant not guilty. The only question which remains, is the one of jurisdiction under the appeal.

nic on Troy Hill, Monday afternoon, was much worse yesterday. As his physician Dr. Hardtmeyer, expressed fears of his condition Mayor Drum took his deposi-It appears that the accused on Manor street, room in a "rookery" on Manor street, from which they were forcibly ejected by the landlord and their goods set out tion at the house where he is now lying. It appears from his statement that he had a confectioner's stand on the ground, and on the street. The ejected parties then started out to "hunt law" against the a confectioner's stand on the ground, and that some of, the festive parties surrepti-tionally carried off a quantity of the goods. He endeavored to se-cure the property when the row ensued, during which he was attacked by three rowdies. One of theim gashed his hand terribly with a salfe, another struck him with a brick, while the third emulated his companions in brutality by belaborlandlord who had so sumarily ejected them from their home, and to drown their troubles took numerous potations of bad whicky, in consequence of which they both became disorderly. Mrs. Gar-ri(z, who it appears was the more disorderly of the two, was committed for five days, and her worthy spouse, Patrick, was discharged. his companions in brutality by belaboring him with a poker. They ceased their xertions only when their victim lay in Preremptory Clothy Sale of E egant Parlor, Duning Room and Chamber

the road, outside the grounds, insensi-ble, where he was picked up after all was Parlor, Dining Room and Chamber Furbiture, Carlets, &c. quiet and taken home by his friends. He could not name the assailants, but is cer-To-day, June 17, at 9 A. M., and 13 tain he could recognize them again. M., at Masonic Hall Auction Rooms, 55

and 57 Fifth avenue, will be sold without Our City. reserve, the largest and finest assortment of parlor, dining room and chamber fur-niture offered this season, embracing in A correspondent, visiting Pittsburgh, and writing to the Titusville Herald, has part elegant chamber and cottage suites, large line hair, cloth and repp sofas and tote-a-tetes; lounges, all styles and qualithis to say of us: The city seems to have its fair proportion of strangers-you can tell them by their frantic efforts to keep ties; marble-top and plain dressing bu-reaus and wash stands; parlor and cabin

tell them by their frantic enors to keep clean-the hotels doing a good business and trains running well filled. It is bound to be a larger place-this Pitts-burgh-and if it was under one govern-ment with its sister cities of Allegheny, Manchester, Birmingham, etc., which are by situation and ought to be by law and fort one and incerable, it would reads and was stands, purple lot of fine chairs and rockers; large lot of fine feathers, &c. Three fire proof safes at private sale. For full particulars, see advertisement. H. B. Smithson & Co. Aggravated Assault and Battery. Patrick Pendergrass made information

and fact one and inseparable, it would rank already as one of the largest in the land. before Justice Barker, of South Pitts-

A Registered Animal. Samuel McMullen, of Scotch Hollow, until within a fow days past delighted himself, in the possession of a "dorg" valued at thirty-five dollars. So great was his love for the animal that, to make his ownership more secure, he had it property registered as his property. Monday morning the "property" dimp-cuded it had been taken away by John O'Leary, and made information before Alderman Taylor, 'yesterday, to that effect upon which a warrant was issued O'Leary, and made information, before Alderman Taylor, yesterday, to that effect, upon which a warrant was issued.

A Runaway. A pair of horses attached to a baroud belonging to Jackson & Devore, on Third avenue, took fright yesterday, while re-

\$4 for Lace Curtains-all lace curtains turning from a funeral, near Two Mile Run, and ran away, completely demol-ishing the vehicle, and injuring the driver considerably. There were four ladies and a gentleman in the barouche it reduced prices at Bates & Bell's, Twenty thousand duttars' worth of new

when the accident occurred, who were all thrown out, but fortunately escaped injury. The vehicle was almost new, having been recently purchased at a cost of \$1,200. Sixth) street.

Disorderly Conduct. John and Catherine Garritz were ar-

ALEX. AIKEN, UNDER-TAKEH, No. 166 FOURTH STREET, HUBDING, PA COFFINS OF AI HIRd, CRAPES, GLOVES, and e' ery description of Funcral Fur-nishing thouse for misned. Rooms open day and night. Hearsto rad Carringes furnished. REFERENCES-HEV. David Kert, D.D., Hev. Mi-W. Jacobus, D. D., Thomas Ewing, Esc., Jacob F Miller, Esc. rested on Manor street, South Pittsburgh, resterday, and taken before Justice Barker on a charge of disorderly conduct. It appears that the accused occupied a CHARLES & PEEBLES, UN.

CHARLES & PEEBLES, US. DERTAKERS AND LIVERY STREET AND CHURCH AVENUL. Allegheny City, where their COFFID HOOHS are constanily supplied with real and initation iko ewood. Mailogany and Waluut Gonlase, at prices tarying from 54 to \$100. Bo-dies pricei for iou trimont. Hearses and Car-diage furnished; also, ill sinds of Mourning Gonda if required. Office of eu at all hours, day and sight.

A GENCY FOR PETER SQUIRE'S, LONDON,

CELEBRATED CHEMICALS. SOAP,

Containing 40 per cent. Pure Givcerine. EFFERVESCING PREPARATIONS

Such as Bi Carb Potassa, Vichy Salt, Kissinge Salt, Seidlitz Powder, Citrate Magnesia, Citrat Iron and Quinine, Iodide Potassae, Carbonat Lithia, &c. Also, agent F. A. Sarg's Vienna Glycerine Swap, and Brecknell's, London, Ski Soap.

SIMON JOHNSTON,

Corner Fourth Avenue and Smithfield Street. je10

HENRY G. BALE, MERCHANT TAILOR,

Would respectfully inform his riends and the public generally, that his

SPRING STOCK OF GOODS

IS NOW COMPLETE.

SOLICITING AN EARLY CALL

Corner of Penn and Sixth Streets. FOR SALE.

BAROMETERS, THERMOMETERS,

OPERA, MARINE AND SPY GLASSES.

BY . W.G. DUNSEATH,

JEWELEB AND OPTICIAN, 56 FIFTH AVENUE,

HESPENHEID & CO., No. 50 BIXTH STREET, (late St.

Clair,) have just received from the East the best ot of New Goods for Spring Suits ever brought to the market. The firm warrant to cat and fit and make Clothes chesper and better than any first-class house in this city. A new and splendid assortment of GENTLEMEN'S FURNISH. ING GOODS are at all times to be found at this house. Our Number is 50 SHETH STREET.

and fashionable goods receiving at Bar-ker's, 59 Market and 20 St. Clair: (now. Lace Points, Sacques, Rotunds and Olfas at Bates & Bell's. W. Fallston Woodenware Works at Auc-Fallston Woodenware Works at Auc-tion.—The entire Fallston Woodenware Works, in Fallston borough, will be sold to-morrow morning at Mollwains's Auc-tion:Rooms, 106 Smithfield street, Pitts-burgb, by order of assignee in bankrupt-cy. It includes the grounds, buildings, machinery, water power, dc. See auc-tion drastisaments in our columns.

\$20,000 worth of new and seasonable goods received this week by J. W. Bar-ker & Co., 59 Market and 20 St. Clair.

Marsailles for suits and dresses i

(now Sixth) street.

Bates & Bell's.

tion advertisements in our columns.