The Pittsburgh Gazette.

CITY AND SUBURBAN.

The Gazette is furnished to the city for six days of the week for 15 cents per week; by mail, $8 per annum; $ mos., $2.

The new emigrant depot has been completed, and is now occupied by those for whom it was erected.

Justice Heinel yesterday issued a warrant for the arrest of Benjamin Harris, charged with assaulting John Wilson and knocking him down.

George Hinesmaitz alleges Lena Wenzel yesterday made a violent attack upon his wife and abused her. Justice Salisbury issued a warrant for Lena's arrest.

There is hardly any truth in the rumor to the effect that the wages of the street cleaners and scrapers are to be reduced in the retrenchment and reform mania.

Yesterday John Speller was arrested on a warrant from Justice Barker, and held for a hearing on a charge of disorderly conduct, preferred by Catharine Kolbourne.

Joseph Rogers and John Wilson had a Quarrel in a saloon yesterday, during which, it is alleged, Wilson struck his opponent in the face. Alderman McMasters has issued a warrant for the arrest of Wilson for assault and battery.

Any information concerning the whereabouts of Michael Brady, fifteen years of age, who escaped from the Insane Department of the City Farm on Monday afternoon, will be gratefully received by his mother, Mary Brady, No. 20 Cherry alley.

Yesterday afternoon the brake of a car on the Oakland Passenger Railway gave way on Fourth avenue, opposite the Mayor's office. The horses were unable to stop its progress, and the car was thrown from the track. No one injured, and no damage done.

Keep your name, business and location before the people by advertising in your local papers, and when anything in your line is wanted your name will be familiar, and your place first visited for the article wanted. This has been the case thousands of times with purchasers.

Escaped Convicts.—John Casey, of Wilmville, who was convicted of robbery about two weeks ago, and was sentenced to the penitentiary for the term of two years, broke jail on Saturday night last. He is a black and tan dog with a collar on, when the description. The parties were held for hearings.

Will Open.—A fair will open in the suburban village of Mansfield on Wednesday evening next under the auspices of the ladies of the Catholic Church, proceeds to be applied to the erection of a new church edifice, the ground for which has already been purchased. The fair in this village one year ago was a success, and Father Scanlon, the pastor, and his co-laborers, will leave nothing undone to make the coming one fully its equal in pleasure and profit to all who attend.

Fire Insurance.—It is highly gratifying to the many friends of Dan'l Sweyer, Esq., to learn that he has received the entire agency of Pittsburgh and vicinity for the Farmers' Mutual Fire Insurance Company, of York, Pa., one of our oldest and most reliable companies doing business in the State, established 1835, and now having a capital of over $275,000. Policies issued and special attention given to all business of the Company. Office, 75 Federal street, Allegheny City, Pa. ttts

A Very Desirable Residence, No. 66 Silver avenue, Allegheny, near the north end of the Hand street bridge, is advertised this morning by Jno. D. Bailey, real estate agent. There is probably not another dwelling to be had at present so near to the business centre of Pittsburgh that is so pleasantly located in a comparatively pure atmosphere, so well lighted and ventilated, and in such good order as this. The proprietor is going to Kansas shortly for a distant residence, or it would not be for sale.

A Youthful Abscounder.—Yesterday an elderly woman appeared at the Mayor's office and stated that a boy she had given a carpet sack to carry to the steamer "Belle" at the Monongahela wharf, had absconded with the baggage. It contained dry goods to the value of twenty dollars. The young scamp also took with him a "set of furs," which the lady had taken off and put into his hands. She is from Vanport, a town about twenty miles from Pittsburgh. The police could get no trace of the thief.

A few days since we recorded the commitment to jail of Louis Ireland charged with whipping his wife, previously divesting her of all her clothing, and using rope to make punishment effectual. It was also stated that Mrs. Ireland was compelled to borrow raiment from a neighbor to appear before the Alderman and make information against Louis. Now she should have returned that clothing but her neighbor, Mrs. Ellen Fletcher alleges she did not—infact charges her with maliciously destroying it. Alderman McMasters was again appealed to, and issued a warrant for the arrest of Mrs. Fletcher for larceny, upon which she was arrested and committed to jail.

Allegheny Fire Department.

Last evening the Committee on Fire Engines and Hose of Allegheny Council held a meeting in the City Building for the purpose of making appointments of machinists for each company under the paid system, which goes into operation next month. They continued in session until a late hour, but failed to complete the work. There is a great difficulty in making the appointments owing to the very large number of applicants, each of whom claims to be a veteran in the service and desires the position for past services. There are also other matters in relation to the property belonging to the companies, which makes the work an exceedingly delicate one. Another meeting will be held at the earliest convenience, but it is not probable the business will be arranged until after the next meeting of Councils.

Consigned to Rest.

The mortal remains of David Mercer, Esq., who died on Tuesday morning, of consumption, were deposited in their last resting place in Allegheny Cemetery yesterday afternoon. The funeral was largely attended. Milnor Lodge, 277, A. Y. M., of which deceased was a member, attended in a body. Mr. Mercer served as Clerk under two of the Mayors of the city, retiring from the position during the early portion of Mayor Mc. Cable's term; and in his discharge of his official duties, as well as of those pertaining to his private life, he made many friends. Consumption was the disease under which he seemed labored, but his demise was undoubtedly hastened by injuries received in a political fight last fall, when Republican processionists mistook him for a Democrat and treated him roughly. He was a gentleman of fine traits of character, and leaves a large circle of friends to mourn his passing away.

Attacked by Roughs.

Tuesday evening, shortly before midnight, Mr. Lenhart Miltenberger, of Ohio street, Allegheny, was returning to his residence from Pittsburgh, by way of the railroad bridge, he was accosted by two roughs, who made a demand upon him for tobacco. Feeling indisposed to be interrupted, Mr. Miltenberger made some remark and was passing on, when one of the men, with swiftness, caught and called to his companion to assist in throwing him into the river. The victim resisted, and during the struggle had a portion of one finger bitten off, and was otherwise roughly handled. Fortunately, another pedestrian came in sight, just when the assailants were gaining the upper. They immediately dropped their victim and scooted. This adds another to the list of outrages of which this bridge is the scene. A little attention from the authorities might render it a safer thoroughfare.

A REUNION.

Department Convention of the Grand Army of the Republic—Election of Officers—Public Reunion—Banquet.

The Department Convention of the Grand Army of the Republic, assembled at Lafayette Hall, yesterday.

The Convention was called to order by Colonel O. C. Bosbyshell, Grand Commander, Col. R. B. Beath, A. A. G., officiating as Secretary, and George F. Wood, of Post No. 151, being appointed Officer of the Day.

On motion, Comrades J. A. Price, Benton Smith and J. A. Swartz were appointed a Committee on Credentials.

Generals Pearson and Wagner, Past Grand Commanders, were invited to take seats on the stage to the right of the Grand Commander.

The report of the Committee on Credentials was read and received and the Committee discharged.

Comrade Wagner, Chaplain General *pro tem.*, opened the Convention with prayer.

The Grand Commander then made his report, reviewing in detail the work done during the past year, and showing the advance made by the Order during the year.

The Assistant Adjutant General and Assistant Quartermaster General reported the transactions of their respective departments.

Major A. R. Calhoun, Assistant Inspector General, made a verbal report.

General Albright, Judge Advocate General, made a brief report.

The Medical Director being absent no report was received from that officer.

On motion, the above reports were received and referred to a committee of five, consisting of Comrades A. Wright, Wood, Green and Hardin.

On motion of Capt. W. R. Cook:

Resolved, That when the Convention adjourns it adjourns to meet in this hall Thursday morning at nine o'clock.

On motion of Comrade Wagner the Convention went into the nomination and election of Department officers.

General Hartranft, in a neat speech, nominated Maj. A. R. Calhoun for Grand Commander, which was received with applause.

General Robt. L. Bodine was nominated but declined in favor of Maj. Calhoun in a brief speech.

On motion the nominations closed.

On motion Maj. Calhoun was unanimously declared the next Grand Commander of this Department, which was received with long and continued applause.

Maj. Calhoun accepted the position in a brief, but forcible speech.

George S. Wood, of Post No. 151, of Birmingham, was nominated for Sr. Vice Grand Commander.

Major H. J. Reeder, of Easton, and Major A. C. Redwood, of Youngstown, were also nominated.

Captain W. B. Cook and Geo. S. Grant were appointed tellers to conduct the election.

George S. Wood received a majority of all the votes and was declared elected.

Comrades John A. Price, Benton Smith, Albright, Colonel D. S. Porter, William N. Haymaker and David Jones were placed in nomination for Jr. Vice Grand Commander.

Comrade W. R. Cook withdrew the name of W. N. Haymaker, of Post No. 3 at this city.

The election resulted in the selection of General Albright, who accepted the position in a neat speech.

On motion, adjourned.

THE REUNION.

At seven o'clock last evening the delegates and members of the order assembled, formed in line at the Monongahela House and proceeded by the Iron City Band marched to Lafayette Hall, by way of Smithfield street, Fifth avenue and Wood street, where the meeting organized by calling Gen. A. L. Pearson to the Chair.

Gen. Pearson stated in a brief but eloquent address the object of the Convention, after which he introduced Major Calhoun to the audience, and in so doing, said that the gentleman had been chosen by acclamation Grand Commander of this Department, a worthy tribute to a faithful soldier, who had lost a leg in the service of his country, and now carried eleven rebel bullets in his body. He was a man that would do honor to the organization.

Major Calhoun arose, and was applauded as soldiers only can applaud.

When the enthusiasm subsided Major Calhoun spoke in substance as follows:

The Grand Army of the Republic has met with many vicissitudes since its organization. It would seem natural after the close of the war that those who had enlisted, marched and encamped together, who had fought together and who at last had come out together to see the flag gloriously triumphant, should seek to become united in one glorious organization. The Major then referred to his army experience, and paid a glowing tribute to the men who had enlisted with him and had fallen while in the line of their duty. He then referred briefly to the objects of the organization. He said they came together in no partisan spirit. There was no distinction between the officer and the private, the Major General, and the private soldier, met on an equal footing. A man was not asked whether he entered the army a Democrat or a Republican, or at what altar he knelt. But one test was applied, and that was did he enter the army with a pure motive. No matter what his nationality; whether he be a son of Jacob or of the downtrodden sons of Ham, we grasp his hand and call him comrade. The Major continued at some length, and we regret that a want of space prevents our publishing his address in full.

General Louis Wagner, of Philadelphia, was then called upon and delivered an elegant and thrilling address, setting forth in detail the objects and workings of the order. His remarks were listened to with marked attention, and he was greeted with loud and prolonged applause at its close.

Col. O. C. Bosbyshell, the retiring Grand Commander, was next called upon, and responded in an appropriate and interesting address.

Mr. Wm. T. Smith, from Post 19, Philadelphia, was called upon and favored the audience with "Sherman's March to the Sea," and "Prison Life in Dixie," both of which were sung in admirable style, and were received by the audience with shouts of applause.

Comrade Wm. M. Mackey, of Erie, was next called upon and addressed the assemblage, after which Comrade Hood, a colored soldier delegate from Post 65, Schuylkill county, was called upon and responded briefly.

Colonel T. H. Bayne and General Wallace were called upon, and both gentlemen responded in the order named in thrilling speeches. A number of other comrades were called upon and responded briefly, after which the assembly adjourned to the supper room.

THE BANQUET.

In the supper room, under the Hall, a bountiful and sumptuous repast awaited the delegates and others who had assembled to partake of the hospitalities of the G. A. R. of Pittsburgh. Four tables were arranged, extending the full length of the spacious supper hall, and were fairly groaning beneath the weight of substantials and delicacies which had been provided for the occasion. When the guests to the number of over three hundred had been seated, Gen. Wagner was called upon to ask a blessing, after which Gen. Pearson gave the order to "pitch in," and we doubt if ever soldiers in the field entered into the discussion of a "square meal," when they were so fortunate as to have an opportunity, with more zest than did those assembled at the G. A. R. banquet. The bill of fare was all that could have been desired by the greatest epicure, and reflected credit on the worthy caterer Mr. Smith. When all present had been amply provided for, champagne was introduced, and as a natural sequence, toasts followed.

We regret that a want of space prevents our publishing them in full, and will have to content ourselves with giving a few of the most prominent:

"Comrade General Grant, President of the United States."

In response to this, General A. L. Pearson read a brief letter from President Grant acknowledging an invitation to be present on the occasion, and expressing his regret at not being able to take part in the proceedings.

"William T. Sherman, General of the Army." Gen. Pearson read a letter from Gen. Sherman in response.

"Gen. John A. Logan, Grand Commander of the G. A. R. of the United States." In response to this a letter from Gen. Logan was read by Gen. Pearson, acknowledging an invitation and expressing his regrets at being unable to attend the Convention.

"Gov. Geary." Responded to by Gen. Pearson.

"Gen. Phil. Sheridan," proposed by Comrade Lightner. Responded to by Gen. Blakely.

"The loyal women of the United States," offered by Major Calhoun.

A number of others followed, which called forth eloquent responses.

The delegates from abroad were by no means sparing of their praises of the manner in which they had been received and entertained by their comrades of this city. Many of them had come to the city prejudiced against it, but would leave it with quite a different opinion of Pittsburgh and Pittsburghers than they have heretofore entertained.

At a late hour the assembly adjourned after singing "Auld Lang Syne" in concert.

HONOR TO THE POET.

The Caledonians Remember "Robbie"—Gathering of the Clans—Mirth, Music and Feasting.

The enthusiastic admirers of "Robbie" Burns cannot be numbered. Not alone his brother Scotchmen, but all who can appreciate genius and warm hearted manliness, unite in praise of this prince of song. He wrote for humanity, and the reward comes in an ardor of love and veneration and fame, bounded only by humanity itself. Deep and earnest as this feeling is, it seems to be increasing with the years, and each recurrence of the poet's natal day is hailed with a renewed gladness, and greater honor.

Yesterday we gave an account of the commemorative gathering in Masonic Hall. While the festivities were in progress there the friends of the Poet in Birmingham were enjoying themselves at a similar entertainment, given under the auspices of the Caledonian Club. The gentlemen comprising this organization were thoroughly imbued with the spirit of the occasion, and appreciating its significance had spared no efforts to make the celebration a success, which it proved in the highest degree.

The celebration had been arranged to come off at Eichley's Hall, Denman street, and the evening appointed found a company of over two hundred persons, a large proportion of whom were ladies, assembled at the designated place, intent upon full enjoyment. The hall had been appropriately decked for the occasion, the most prominent feature being the large table, with its snow white covering,ladened with everything that could please the eye and tickle the palate of the daintiest epicure. When all had gathered around the festive board, Matthew Pate, Esq., President of the Club, briefly, but in glowing and eloquent terms, referred to the poet's history, his fame, his writings and the influence which he had exerted in the world, closing his remarks with a happy reference to the repast before them, upon which he invoked a blessing in the language of the "Selkirk Grace."

"Some has meat and canna eat,
And some wad eat that want it,
But we can meat and we can eat
And sae the Lord be thankit."

The combined attack on the edibles was then introduced by Mr. Pate, amid much laughter, in a recitation of the "Address to the Haggis," the conclusion of which was followed by the most active hostilities, resulting in the rapid disappearance of the excellencies provided by the genial host. Sunday, who, in such matters, is a thorough adept, when the supper had thus been discussed to the entire satisfaction of all, an organization was effected and the literary feast began, Mr. Pate presiding.

An excellent band, under the skillful leadership of Mr. C. Deisroth was in attendance, and contributed largely to the enjoyment which marked the evening. Mr. Pate, upon taking the chair, responded feelingly, when the regular programme, as follows, was proceeded with in order:

1. "Burns, the Ploughman Bard of Scotland." Song—"Rantin Robin," Mr. Jas. Gilchrist, Music by the Band—"Willie Brewed a Peck o' Malt."

2. "Scotland, the Land of our Birth." Song—"Heather Hills," Mr. A. Wood. Music by the Band—"Flowers of the Forest."

3. "America, the land we live in." Song—"The Star Spangled Banner," by Capt. David Jones, ladies uniting. Music by the Band—"Hail Columbia."

4. "The Heroes of Scotland." Song—"Kitty Lads," by Mr. Jas. Gilchrist. By the Band—Oxford Blues' March.

5. "The Lassies, God bless them." Song—"Kye Coming Hame," A. Woods. By the Band—"My sin Kind Dearie."

6. "The President of the United States House and Senate." By the Band—"Hail to the Chief." Song—"The Old Tune of Auld Lang Syne." By Mr. M'Donald.

7. "The Queen of Great Britain." Song—"I like Blade o' Grass Keeps its Ain Drap o' Dew," by Mr. Turlton. By the Band—"Rule Britannia."

8. "Burns Associations throughout the World." Song by Mrs. McCormick, "The bairn at our door," which was rendered in a peculiarly effective manner, created great enthusiasm, and was rapturously applauded. The band next played "Happy news to the bitkin." Song, "Bonnie Jean." Song, "As the birds," &c., by Mr. McDonald, followed by "Auld Robin Gray," by the band.

10. "Our Army and Navy" song, Red White and Blue, by Capt. David Jones, which called forth great applause, the band closing with "Comin' thro' the Rye."

11. The President now laid aside his official dignity for a few moments and recited in the vernacular, "I am o'Scotter" in a style inimitable and perfect, which throughout elicited enthusiastic applause, and at the close brought down the house with applause which was continued for some time.

When order was again restored, Mr. Pate announced that preparations had been made in another part of the house for those who wished to indulge in the mazes of the dance.

The announcement was hailed with delight by the younger portion of the company, and during the remainder of the evening Scottish Reels, and all the various national dances dear to the heart of every jolly Scotchman, divided their attention from the entertainment in the main Hall.

The dangers having retired, the literary exercises were continued in the supper room, volunteer sentiments, songs and recitations being called for. Capitain David Jones, a superior vocalist, led off with a song, "The Harp of Tara," which was followed by "Scotland Forever," Mr. Harper rendering this beautiful ballad in a superior manner. Captain Jones again obtained the floor and created a shout of laughter by the humorous sentiment,

"My spirits being lengthened by Mr. Eichley's liquch, I would like to have them strengthened by a little more punch."

Mr. Donaldson now came forward with a song, "Tis Better late than Never," which was followed by another, "My Highland Home," by Mr. Gilchrist, both performers receiving every manifestation of approval. "The Heights of Alma," a recital, was rendered in an excellent manner by Mr. McKissick.

Following in quick succession came: Song, "Meeting of the waters," Mr. Jack; song, "Wallie bruid a peck o' malt," Mr. Harper; song, "Memory's dear," J. McKissick; reeling of the waters," Mr. Jack; "Wallie's dream," Thos. Finney; song, "Red, white and blue," Geo. S. Wood; recitation, Dr. Jones.

Two youthful vocalists, the Misses Jack, were now introduced, and created a lively sensation by singing a duet, "The Match Girl," which, faultless in execution, and rendered in clear, musical, thoroughly tranquil voices, and with unusual expression, received a burst of applause which would have flattered the most ambitious amateur. Next came songs, "Wha stole your Bonnet?" by Mr. Robertson; "The curly headed boy," by Mr. A. Jack; recitation, "A Poem," Mr. Stewart; song, "An auld soldier," Mr. Hampshire; song, "Scotland forever," Mr. McKissick; humorous ballad, "I'll tell your wife," by Mr. Robertson, which brought down the house; song, "The new velocipede," by Mr. McIntire; another beautiful duett, "Never forget the dear ones," by the Misses Jack, who were again enthusiastically applauded; song, "Hurrah for the Highlands," several songs by Mr. Sterling, and a host of other amateurs, which kept up the enjoyment till into the "wee sma hours ayont the twal."

Space would fail us, however, to recount the pleasantries of the happy occasion, which was an event in Birmingham. The company, one and all, united in pronouncing it the best entertainment ever given by the club, which heretofore have won an exalted name for such affairs. Much credit is due the committee of officers for the ready and good humored tact with which he acquitted himself, while to all the club the two hundred ladies and gentlemen present owe a grateful remembrance for an evening of rare enjoyment, which will long be held in memory as an evidence of their consummate liberality and a happy, joyous celebration of the CXI birthday of the Ayrshire plough-boy "Robbie" Burns.

Rev. Geo. P. Hays' Lectures.

The entire proceeds of the course of three lectures, to be delivered by this lively and highly gifted speaker in the Central Presbyterian Church, Allegheny, of which he is the pastor, and which are advertised in another column, under the head of amusements, are to be devoted to several excellent institutions of charity conducted mainly by the ladies of that congregation, of which the deserving poor of the vicinity, without regard to sect, are the beneficiaries. In one of these, the Industrial School, which meets every Saturday afternoon in the lecture room, over two hundred girls receive instruction in needle work, and are brought under pleasant and refreshing moral and social influences. The poor children are delighted with it, and much good will doubtless result. The treasury, however, is empty, and as materials upon which to work must be purchased, we hope that as many people as the house will hold will attend these lectures, which will unquestionably be "rich and ravy," as well as instructive. As a humorist, Mr. Hays has few equals, and he has the good sense to know that this gift may at proper times be made to minister to the best and holiest of purposes. The first lecture—"Hunting an Appetite"—will be given this evening, at half-past seven.

THE COURTS.

District Court—Judge Kirkpatrick.

WEDNESDAY, January 26.—The case of Flinn vs. Graham and McKee, action for damages for false arrest and imprisonment, previously reported, was resumed.

The defendants proved that the plaintiff, Flinn, had been seen in the crowd which was acting in a disorderly manner, but that he had avoided arrest at the time; that he subsequently followed the officer to the lock-up, where a charge was preferred against him, and he was locked up.

The case was argued by Mr. Moreland for defendants and Mr. Barton for plaintiff, after which the Court charged the jury.

CHARGE OF THE COURT.

After reciting the facts in the case, the Court said:

You have heard from the testimony of this case, that the defendant, McKee, if you find he was a police officer at the time of this arrest, could arrest Flinn in but two ways. 1st. Upon warrant based upon information, which, if possible, should always be resorted to. 2d "On view," as it is called, by which is meant an arrest where the violation of law is done in the actual presence of the officer, the propriety of this is manifest. Were arrests otherwise allowed, the security of the citizen would be liable to frequent and reckless invasion by irresponsible persons. In section seven, article 8, of the Constitution of the State, title "Declaration of Rights," it is provided "That the people should be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures, and that no warrant to search any place, or to seize any persons or things, shall issue without describing them as nearly as may be, nor without probable cause supported by oath or affirmation." Also in section nine of the same article: "That in all criminal prosecutions the accused hath a right to be heard by himself and his counsel; to demand the nature of the accusation against him; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor, and to prosecution by indictment or information, a speedy public trial by an impartial jury of the vicinage. He can not be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property unless by the judgment of his peers, or the law of the land."

You will observe the numerous safeguards thrown by our organic law around the person of the citizen. They are so comprehensive and specific as it is possible for them to be, and all of them point to the large liberty of the citizen, subordinate to obedience to law as their central idea and pregnant fact.

Test this arrest by these restrictions and limitations and see if it will stand. Was there any oath or any information on which it was made, and upon which a warrant was issued? This, as I understand it, is not claimed. If, however, it is, he is justified, you will find, and if found it will be a sufficient vindication and authority for both of these defendants. If not, we think we could, under the intimations of the Constitution, stop and say to you that the arrest was illegal and your verdict must be for the plaintiff. As already intimated, however, we will for the purposes of this case allow these defendants a more liberal rule, and say to you that if arrested "on view" high degree will attend it if they arrested in neither of these ways, then we instruct you their conduct was in violation of law, and the plaintiff is entitled to a verdict.

It will not do to rest upon the position assigned by the learned counsel for defendants, that because these parties occupied subordinate positions, and so were required to be controlled, and directed by others, their superiors, that therefore, and necessarily, they were justified in what they did if done by orders. Such a doctrine is to be repudiated. A moments consideration should satisfy any one of its impropriety. It would be, in effect, to permit one to do by another what he could not do himself.

For violations of law each is responsible for his own acts and conduct. To say that a policeman who fails to obey orders would render himself obnoxious to removal, and that he ought to be removed, is to argue that the counsel of defendants proves simply nothing. If the orders given are legal they should be obeyed, this if they do, and the policeman who surrenders his manhood and, rather than execute an improper and illegal order, will do himself honor by the act, and be relieved largely in possible trouble. A violation of law is a violation of law in general, and that it will be discovered and appreciate this the better. Let it not be understood as this is recorded against justifying a disobedience of orders, but only as stating the propriety, nay, the absolute necessity for their own protection, of seeing that their orders are proper and right, and such as can with safety to themselves be obeyed. Because His Honor, the Mayor, gives the order to his lieutenants, and his lieutenants translate it to the policeman, will be no protection unless the order be such an one as the laws justify in its execution. This is what we mean in regard to the responsibility of "Express orders." Nothing more. Nothing less. Apply these rules to the facts of this case, in this arrest upon information and warrant. This is what claims to be "upon view?" This is a fact for you. If it was not, it is no defence to a technical plea of trespass. The arrest proved by order of Lieutenant Wilmot to disperse the crowd accustomed to assemble at that point, and if they refused to disperse to arrest them and bring them to the Mayor's office. Although arrested by "information of this Officer," if they were not violating the law this "assault of the officer at the time of the arrest, the arrest was not justifiable (and the order of the officer was not in Probation) Apply these rules also to the case of the defendant Graham. Although as proven he has no right to be here with his lake hall, it would be a monstrous doctrine to establish that he is to lock up every man he is told to do so by, simply because the party directing him to do so wore a blue coat and the insignia of a policeman. Better far that many guilty should otherwise escape than that the rights of citizens should be thus imperilled. The facts on this point would seem to be—but this is for you, that Flinn with the others followed to the Mayor's office, if possible, to secure the release or give bail for Tomer. That after getting inside the policeman McKee said "Here are more of them that I want locked up" or words to that effect, and they were by the defendants locked up in the adjoining cell. There was admitting said about "a charge" being afterwards made against them, but I fail to discover it, although possibly you can. The "docket" of Captain of the Watch is offered to show this fact, but, how it does so I cannot find. It is not a charge of disorderly conduct was made against them or anybody. The party making it is nowhere named, neither has the only information been anywhere—exhibited. The only defense then for the defendants Graham would be to the property of the original arrest by McKee, if which fails, he is without any defence of the technical charge of false imprisonment. There is no redeeming feature for him. His office will not protect, his position will not avail, for, as we have already intimated to you, all his duties must be discharged according to law. From this inexorable and obviously just rule none can escape. It applies equally well to His Honor, the Chief Magistrate, of the city, as to the humblest patrolman, who patrols his weary round from night to night and day to day.

If you should, under these instructions, be of opinion that the plaintiff is entitled to recover, let us see who should be the rule and measure of your finding.

We need scarcely repeat in your hearing the remarks of counsel as to the position of a policeman. His office is a most ungrateful one, and, we are free to say, this of his position we would not accept. If they do their duty they are censured for harshness and kindred offences, and if they do not they come equally under popular censure.

You will not allow any prejudice to control your verdict as to these defendants. They are to be tried and found for or against, as any private citizen. If they have discharged their duties they should be upheld in it, and if not they should be punished.

If you should be of opinion, from all the facts, that their conduct was wicked, wanton or malicious, you should make them pay roundly in what is sometimes called "smart money." They should be taught a lesson which they and others should bear in mind.

"A little brief authority,"

will remember, "A violation of law is at all times the subject of punishment, and ought to be, but, when this violation is perpetrated by those clothed with its power, and representing its justice and dignity, the punishment meete thereto—but this is, for you—should be especially prompt and condign.

If, however, under all the circumstances you should be of opinion that the defendants, although guilty of a technical violation of law, did so improvidently and thoughtlessly, but with no desire to do other than their duty, your verdict should be accordingly. You should judge them as leniently and charitably as your judgment will allow. You should not oppress them, but if, during at all era towards leniency and mercy is your findings. What your verdict should be, either in form or amount, we do not of course pretend to say, but leave it to you under a fair, full, impartial and conscientious appreciation and consideration of all the facts of the case.

The next case taken up was that of F. E. Goodell vs. the Penna. Railroad Co., action on the case to recover against defendants as common carriers for negligence causing the loss of a trunk and contents. The plaintiff shipped a large sized Saratoga trunk in Nov. 1869, from a station on the West Penn Railroad in Indiana township to Allegheny city, containing wearing apparel and other articles, valued in all at $388. The trunk, however, never reached its destination, and this action was brought to recover the value of the articles lost.

The plaintiffs proved the delivery of the goods to the defendants, by submitting a bill of lading, and also proved a demand and that the goods had not been delivered. Mr. Hampton, counsel for the defendants, moved to strike out the evidence, because the *allegata* and *probata* did not agree. The declaration of plaintiffs upon which they sought to recover was in case, to recover against the defendants for negligence, whereas the proof showed a contract between the parties. He held that the plaintiffs could not avoid the contract and bring an action for negligence. In addition to this, no negligence had been proven, and it was not sufficient for plaintiffs in order to recover, to prove the loss only. The law did not presume negligence from that fact, and the plaintiffs were therefore bound to prove it.

The Court overruled the motion.

Mr. Hampton then moved for a judgment of non-suit for the reason that the plaintiffs have not complied with the stipulation of the contract which they had themselves put in evidence, and were therefore bound by. The contract required the plaintiffs to give notice of the loss, within at least five days after the baggage should have been delivered.

Mr. Duff replied that the contract stipulated no time at which the baggage should be delivered, and consequently it was impossible for the plaintiffs to comply with it.

The Court overruled the motion for a non-suit, and the case was submitted to the jury. After a brief absence the jury returned a verdict for the plaintiff in the sum of $300.

In the case of Maltby vs. Schultz & Danner, action of trespass, the jury returned a verdict for plaintiff in the sum of $472 06.

TRIAL LIST FOR THURSDAY.

142. Barrett vs. Hill.
143. Morrow vs. Hill.
94. Duff vs. Wilson.
95. Same vs. Same.
112. Jacoby vs. Schoen & Laurent.
64. Reese vs. Morrow.
113. Kennedy vs. Schultz.
119. Grant vs. Scott.

Common Pleas—Judge Sterrett and Collier.

WEDNESDAY, January 26.—Court convened at 10 o'clock A. M. The trial list was called over, but there being no cases ready for trial court adjourned.

In the case of Shields vs. McAboy, previously reported, verdict for defendant.

TRIAL LIST FOR THURSDAY.

144 Geo. H. Stowe vs Edwards.
120 Cochran, Rahm & Co. vs Leech.
157 Kilrain vs Simmons.
158 Sloan & Bayne vs McGovern.
159 Same vs Same.
162 Haslett vs Porter.
176 Kershberger vs Spratt & Jones.
177 Coulter & Co. vs. Haigh.
178 Smith vs Gray.

WEMPT.

Plymouth Congregational Church Fair.

We learn that the ladies of the Plymouth Congregational Church, over which the Rev. E. Y. Garrette was lately installed, are to hold a Fair at the City Hall, commencing Tuesday evening, February 1st. This Society, though strong in its efforts to do good, is numerically weak, and have taken this course to enable them to raise the necessary means, by fair, to sustain their organization in its good work. It is contemplated, during the continuance of the fair, to give one or two evenings of Tableaux, and if half of what is talked of it is done, or if even no better, tableaux are rendered than they have heretofore been in this city, it will be a delightful evening's entertainment; but they promise us even better than ever before. It is to be hoped that the attendants of the various churches in our sister cities will rally to this call and attend the fair, bearing off some of the articles that will be offered, which will be useful and sold at moderate prices. Dinner will be served daily, and it is to be hoped that they will receive one liberal patronage from the public, generally, will patronize them liberally. The young ladies wish us particularly to state that they will be glad to receive donations during the continuance of the Fair, but will be very happy to have their gentlemen acquaintances call upon them at the City Hall.

Liability of Express Companies.

The case of the Second National Bank of Titusville against the American Express Company, which has been pending for several years, was tried at the last term of the Court of Common Pleas of Crawford county and decided in favor of the plaintiff. The question involved was as to the responsibility of Express companies to the place of destination. The facts were that the bank sent a money package by Express to one Amos Funk, Lancaster, Pa., in the spring of 1866. A considerable portion of the funds were abstracted and the package returned to the place of shipment. The express company set up that they were relieved from liability, because the loss could not be traced to any negligence in the route traversed and covered by the company. The verdict of the jury, under the instructions of the Court, held the company liable for the safe delivery of the package to its destination, they having undertaken and received compensation for such carriage and delivery.

To the Sick—Poor Widows and Orphans Treated Free of Cost.

The rooms of Dr. Darrin, at the Robinson House, corner of Duquesne way and Seventh street, are daily thronged by the afflicted. He treats all forms of disease and is well supplied with testimonials from those whom he has treated and cured. He can be consulted free of cost, leaving it optional with those who call to undertake a course of treatment after they hear what he has to say. The Doctor since his advent in this city has been prescribing for afflicted widows and orphans who call upon him, free of charge, and will continue to do so each morning until twelve o'clock for the balance of this week. The remainder of the day he is engaged with his regular patients. After this week the Doctor will be compelled to devote his time and increasing practice, to devote but two hours per day to the poor, viz: from eight to ten o'clock. So those who wish to avail themselves of his generous offer should call without delay.—*Post.*

New Carriers.

Postmaster Myler, of Allegheny, has forwarded a request to the Department at Washington for power to employ additional letter carriers. If granted, he designs appointing two Germans for the German districts of the city, great difficulty being experienced by English carriers in distributing the letters. The force at present in the office, for the size of the city, is altogether too small, in the opinion of the Postmaster, to do the work; but the two new carriers will arrange matters equitably. It is proper to say to applicants, that should the proposed additions be allowed, the positions will be filled by two parties who have already been selected, for their acquaintance in the districts mentioned.

Worthy Donation.

The Burns Festival, held in Masonic Hall, was a greater success than had even been anticipated, in attendance, enjoyment, and financially; so that the managers have found themselves in the possession of an "unexpended balance" amounting to nearly two hundred dollars, which they have decided to donate to the Allegheny Library. It seems especially appropriate that the proceeds of a celebration in honor of one of the great bards in literature should be given to the support and advancement of an institution devoted to the encouragement of literary tastes and culture. The donation reflects the highest credit upon the spirit and judgment of the gentlemen by whom it is made.

Doctor Keyser's Medical Office.

We again invite the attention of our readers to the complete and thorough establishment of Dr. Keyser, at 157 Liberty street. Not only is it stocked with the best medicines that any market affords, but the Doctor stands back of it, with his new office, to give his personal attention to all who may require his services. His own medicines for lung diseases have gained a wide repute, and they cannot fail in producing the most salutary effects, lasting, as they do, from the laboratory of a man as skillful and industrious as Dr. Keyser.

Desiring always to encourage the manufacturers of a good article, it affords us particular satisfaction to commend the ex-silence of Pier, Dannals & Co.'s cream ale. According to our judgment this article is just what it is "cracked up to be." Certainly it is very delicious, and unquestionably very wholesome.

NEW FIRM.

Change in an Old Established and Popular Dry Goods House—Closing out Sale of Winter Goods Very Cheap to Get Rid of the Stock.

Prominent among the first class dry goods establishments, and cloak and shawl emporiums of the city, that of Bates & Bell, No. 21 Fifth avenue, has long been recognized. The universally fine selections of goods they have kept, the reasonableness of their prices, the courtesy and attention they have ever paid their patrons, and the practical and systematic manner in which they have conducted their business through a long term of years, have established for the house a large trade and splendid reputation. To-day we have the announcement to make that the senior member of the firm, Mr. A. Bates, has retired, after being many years identified with it and the dry goods trade of the city. He carries with him into private life a pure record as a fair dealing and upright business man, and is followed with the best wishes of a whole army of friends. Capt. Jno. S. Bell, the junior member of the firm, to whose energy, enterprise and perseverance is equally due the past success of the house, becomes the senior in a new copartnership to continue the business at heretofore at the old stand, under the style of Bell & Moorhouse. This must prove a popular firm, especially when it is announced that the successor to Mr. Bates, purchaser of his interest, is none other than Mr. J. R. Moorhouse, whose name is as familiar as a household word from the one end of the Monongahela river to the other and for miles about in the sections through which it flows, inasmuch as he was for years closely connected with the steamboats which ply that stream as general agent of the Brownsville Line. He is not more widely known than more universally respected and esteemed. Bearing an unexceptionable personal and business character, accommodating, generous and courteous in his nature, he is just such a partner worthy connection with this old standard house, with Capt. Bell, to succeed Mr. Bates. We wish the new firm that abundance of prosperity and large share of public patronage, to which they are personally deserving, and for which they will seal-ously labor.

The firm find themselves in possession of a large stock of seasonable winter dry goods, which they are anxious to dispose of in order to close out entirely, to commence the spring trade in right good earnest with a complete new stock. They therefore have marked down all lines of goods to close, in some instances below cost, and in all cases at the smallest possible advance over. They will offer decided bargains to their patrons until their shelves and counters are entirely cleared of accumulated stock, and we urge our readers to call and participate in the advantages afforded.

House and Lot in Allegheny at Auction.—The property No. 75 Diamond street, Chestnut, Third ward, will be sold tomorrow, (Friday), 28th inst., at two o'clock, by Jno. D. Bailey. The house is a good brick of nine rooms. A rare chance for purchasers. Owner moving west. A. LEGATE, Auctioneer.

Constitution Water is a certain cure for Diabetes and all diseases of the Kidneys. For sale by all Druggists.

DIED:

GARDNER—At Mercy Hospital, on Tuesday, JENNY BELL, aged 18 years, daughter of ALDRION GARDNER, aged 46 years and 9 months.

The funeral will take place from the residence of his father, Grove City, this afternoon.

LAWRENCEVILLE, on THURSDAY MORNING, 27th inst., at 9 o'clock. The friends of the family are respectfully invited to attend.

BARRETT—Wednesday morning, January 26, 1870, at 9 o'clock, JOHN BARRETT, (of Pittsburgh, Kansas, Leavenworth and Lawrence papers please copy.)

The funeral will take place from his late residence, No. 27 Monterey street, Allegheny, THIS AFTERNOON, at 3 o'clock. The friends of the family are respectfully invited to attend.

KNIFER—On Tuesday morning, Jan