

THE BAR OF JUSTICE

BEFORE WHOM THE WICKED COME.

Unsuccessful Attempt to Convict a Young Man of Seduction. He Failed for Lack of Evidence. That He Had Promised to Marry—Albert Hen Pleads Guilty and Goes to Jail for Nine Months—The Civil Business in All the Courts.

Judge Brill, of the District Court, had an important criminal suit before him yesterday. Mary Ann Dehn, who is soon to become a mother, brought a suit against Frank Kenney, charging him with seduction under promise of marriage.

The evidence usual in such cases was all elicited, and seemed conclusive, but the case fell to the ground. The statutes provide that there shall be no convictions for seduction, unless the party making the charge is corroborated by other evidence on all material points. The promise to marry is one of them, and the most material; because, if the act was not accomplished except under the promise of marriage, the woman relying on the same, the offense would not be complete.

There was no evidence in the case, aside from that of the girls, to show that there was any such promise made. She had never informed her parents of the fact that such promises had been made. Nothing, even upon the testimony of the prosecuting witness, had been said between the prisoner and her as to marriage, except on one occasion. The Court held that there being no sufficient evidence to corroborate the prosecuting witness on that point, the case must be dismissed.

The Judge said he dismissed the case with great reluctance, but it was with the law, in the interests of all parties concerned, and although the case had been carefully looked up and ably tried by the county attorney, in the opinion of the court, there was not sufficient evidence to support the indictment, and the prisoner must be discharged.

Kennedy was so surprised at the decision of the court to dismiss the case that he could not speak for some moments, or reply to the congratulations of those who had gathered around him. Recovering his composure he said, "I thought I was convicted, sure as hell."

W. W. Erwin appeared for the defense. The next case was that of Albert Hen, the young man whose embezzlement while acting as clerk in the county treasurer's office is familiar to our readers. He had pleaded guilty, but yesterday he withdrew that plea, entered one of guilty of embezzling less than one hundred dollars, and was sentenced to nine months imprisonment in the county jail and to pay a fine of \$200.

State vs. August Kuehn. This case terminated yesterday morning in the acquittal of the prisoner, charged with shooting a horse.

United States District Court. IN BANKRUPTCY. Franklin Debee, of Minneapolis, was appointed assignee of John M. Waldron, of Litchfield, bankrupt.

United States Circuit Court. [Before Judge R. R. Nelson.] Israel G. Lash vs. Wm. J. Hardick, et al. Decree dismissing the bill as to the defendant, Farmers and Trades bank of Hastings, and decree of foreclosure against the other defendants.

The court adjourned until the first Monday in March.

District Court. [Before Judge Simons.] A special term of this branch will be held to-day for the hearing of motions, &c.

[Before Judge Brill.] A call of the civil calendar will be had to-day. Synthe vs. City of St. Paul, being the first on the list.

Probate Court. [Before Judge O'Gorman.] Estate of James R. Lucas. Final account of executors examined and allowed.

Estate of Daniel McGinty. Petition for citation to compel the executors to account filed. Citation issued, returnable Feb. 23, 1878.

Mineral Court. [Before Judge Flint.] A jury trial of Albert Brown vs. Thomas Carver occupied all day, being an action on account. Many negroes being present and interested, the redoubtance of the court-room can be better imagined than described.

Criminal. The criminal docket presented no cases.

The New Pastor of Plymouth Church. It will be remembered that a short time since Plymouth church, of this city, extended a unanimous call to Rev. M. G. Dana, D. D., of Norwich, Conn., to become their pastor. This call has been responded to favorably, and the Plymouth people have reasons to congratulate themselves on securing his services.

He was present with the congregation a few weeks since and completely captivated those who heard him by his ability, and earnest piety. The following extract from the "Hartford Courant" will show how he is appreciated where he is best known.

OBSEQUES OF THE POPE.

The Services at St. Mary's Church Yesterday.

The services at St. Mary's church in commemoration of the demise of Pius the Ninth, yesterday morning, were of the most solemn character. The church of course exhibited the usual display of mourning. A catafalque was placed outside the sanctuary rails, covered with a pall and adorned with the triple crown and the emblem of St. Peter's vested power beautifully wrought in exotic flowers.

The church was in every part, and the chapel of the Sacred Heart was occupied by the children of the parish schools. At 10 o'clock, with the organ playing a beautiful symphony, the procession of eight acolytes and the officiating priests entered. The Rev. Father Calliet, celebrant; Rev. Father Simplicius Wimmer, deacon, and Rev. Father Louis Salzedor, sub-deacon. The requiem mass was sung to a glorious gregorian chant, and was grandly solemn and impressively grand. Indeed the choir of St. Mary's yesterday surpassed any other effort that has been made during these solemn rites.

At the offertory Mrs. Ignatius Donnelly sang "Pro Pectus," from Rossini's "Stabat Mater," with an impressiveness and magnificence never equalled in this city. The church possesses splendid acoustic properties, unequalled, it is true, which tend so materially to enhance the effectiveness of good singing. But yesterday Mrs. Donnelly was in unusually good voice, and her rendition of the grandly lofty conception of the author was a very inspiration.

The sermon was preached by the rector, Father Calliet. He said they had assembled to pay the last tokens of respect and of love to their deceased sovereign, Pontiff Pius the Ninth. The sad news of his death caused a commotion through the whole Christian world, and at St. Peter's the children of the church felt unwilling to believe the tidings. They had hoped that the supreme Pontiff and Father would see the end of the trials and tribulations of the church he had loved so much, and served so faithfully while on earth. But God has not seen fit to grant that favor, but in lieu thereof has bestowed upon him a more substantial one.

This painful sorrow and commotion has not only been felt in the church, but it is a source of consolation that the outside world, those not in the fold, have expressed their sorrow and esteem for him whom God has taken away from us. Yet when we consider, we have no reason to be surprised at this expression of esteem. Conscience will claim its rights, and when one sees a man who has, for a long life, stood the firm champion of truth and justice, one cannot but give expression to esteem and affection for the man who has so courageously upheld the principles of truth and justice, and who has so bravely ascended the pontifical throne has been one of the most eventful in the annals of the church; not a time of trouble only, but one of continual storm from the first moment he was elevated on the chair of St. Peter. In former times this and that truth were assailed, or this practice or that ordinance was condemned by the enemies of the church, but in this case the supreme pontiff himself.

The enemies of the church have fully understood the sentence, "on this rock will I build my church," and have assailed the rock, endeavoring to undermine it, so that the edifice and superstructure would fall. But they had not considered that other divine mandate—"Whoever binds on earth shall be bound in heaven." The supreme Pontiff whom we have assembled to lament has withstood all the tide of these storms, not with complainings or re-remembrance, but with blessings and prayers for the enemies of the church. He compared him to St. Peter, the chief rock, and how a devoted disciple had strayed from the fold, and infirm and old as he was he took his staff and journeyed in search of the wanderer and brought him back. He compared this with the Pope's anxiety for a king who had become a heretic of the church. He then went on to show that the church makes a distinction between the pontiff and the man. As the supreme pontiff the holy father was infallible, but he was also man and liable as man to sin, and it was because he was man that the church asked the prayers of her children for the repose of his soul. In matters of faith and morals he could not err—he was head of Christ's church, its doctor. He was the organ of Christ and the Holy Ghost, but with all his responsibility, his human nature might have weaknesses given way to sin, therefore we ask your prayers for his repose. He concluded his discourse by pointing out to his congregation the lessons to be learned by the solemn occasion and exhorting them to be vigilant and firm in their faith so that they in the supreme moment should hear the grateful sentence, "Well done, good and faithful servant, enter into the joy of your Lord."

After the sermon the Libera was sung and the absolution celebrated, and the beautiful and impressive ceremony was brought to a close by a recital of five Paternosters and five Ave Marias, pronounced in English.

The Mystery Solved. Considerable excitement was created in the latter part of December last, by the sudden and mysterious disappearance of John F. Kellhaver, who had been residing at the hotel of Julius Grosse, on Fort street, Rumors of foul play were rife, and the indignation against the apparent incapacity of the police for ferreting out the man's whereabouts, was long and bitter.

SAUK RAPIDS, Feb. 12th, 1878.—JULIUS GROSSE, Esq., Sir:—Having left your place last December, without letting you know where I went, I come to the conclusion that at once back to the Yellowstone country, with you in my possession until I call on you to return to your home, which I wish to write to me before that, address your letter to JOHN F. KELLHAVER, Saug Rapids, Minn.

In care of Frank Steitz, Ser't., Co. E. 5th Infantry.

Prayers for the Coming Papal Election. The Catholic bishop of this diocese has promulgated the following official order in the "Northwestern Chronicle" of the 16th:

The collect Pro eligendo summo Pontifice is to be added in all masses until the election of the new Pontiff.

Pastors will remind the faithful under their charge of this special prayer in mass, and urge them to unite their supplications with those of the whole church that the light and direction of the Holy Ghost will be vouchsafed in the choice of a supreme head of the church.

A requiem mass for the repose of the soul of the late Pope, Pius IX, shall be held in each of the parish churches of the diocese, and at an hour when the congregation can conveniently assist.

Don Cesar De Bazan. It only needs the announcement of an amateur performance to call out the elite of St. Paul in force, and it cannot be laid to the charge of the public that they do not patronize home talent, upon the boards at least.

Last night's crowded Opera house was evidence of this, and those who had no generous-given their time and exerted their talents for a noble and worthy charity had no reason to complain of their audience either in respect to numbers or good nature. "Don Cesar De Bazan" was well mounted and exceptionally well dressed, and what is more common with amateurs than professionals, the lines were well learned and neither "gag" nor prompter was needed.

Geo. W. Lamson represents the Fire Association and the American Fire of Philadelphia.

HOUSING RAILROAD COMMITTEE.

The Wrangle Over the Land Grant of the Southern Minnesota.

Mr. Rice's bill relating to right of way for railroads through lands belonging to the State was considered in the committee and ordered reported back as a substitute for No. 200, with a recommendation that it be passed.

The matter of the Southern Minnesota land grant was then taken up, and on suggestion of Mr. Frides, any one present who desired to speak on the question was allowed to do so.

Representative Day briefly referred to a meeting held in his county which expressed almost unanimous feeling in favor of the Southern Minnesota road.

Mr. Ward, of Fairmont, then made a lengthy statement to the committee in which he reviewed the action of the Southwestern company very sharply.

Replying to Mr. Blake: Mr. Van Horn said the ties were already secured for the extension by the extension company.

Mr. Dunn said the Southwestern had made no arrangements for ties as yet. That company did not propose to build its road unless it received the land grant.

Mr. Van Horn said his company proposed to build the road whether it obtained the land or not.

Mr. Dunn thought the State had better secure two roads, one with a land grant and one without it. The north and south line was needed.

Mr. Knox, of Jackson county, said by the terms of the grants, the land remaining can only be used in constructing a line westward. The people of Faribault county could not expect to obtain any benefit from it. All the railroad lands in Jackson and adjacent counties, east and west, were now tied up for want of a road.

Mr. Olson, the contractor for the grading of the Martin County railroad, followed with a history of the origin of the Martin County railroad, which arose from the refusal of the Southern Minnesota railway company to extend its lines unless Fairmont and Jackson bonded themselves in aid of the road.

Mr. Dunn, in personal explanation, said that his opposition, so much alluded to, had arisen from his legal practice.

An interminable series of personal explanations followed, having little or no connection with the business in hand, after which the committee adjourned subject to the call of the chair.

THE FORT SNELLING BRIDGE.

Meeting Last Evening—The Bill for \$100,000 Endorsed.

A meeting of citizens with the Ramsey county delegation was held at the old court house last night, to consider the Fort Snelling bridge bill, which has already passed the House. The bill authorizes the issue of \$100,000 in bonds by the county. D. W. Ingersoll presided, and Dr. A. Wharton acted as secretary.

Col. Crooks described the kind of bridge which he thought ought to be built, and did not believe that it could be erected for less than \$100,000.

C. D. Gillilan gave the estimate made by Mr. Sewall twenty years ago, which was for \$120,000, exclusive of interest or right of way.

Mr. James Smith, Jr., thought it best to amend the bill, so that the proceeds of the bonds be paid into the county treasury and drawn on vouchers, as occasion requires, and the suggestion seemed to meet the views of the meeting.

Mr. Gillilan thought the people might vote \$60,000, but doubted whether they would sustain \$100,000. Outside of the Fourth Ward the people were very eager for a bridge.

Mr. McCullough wanted a committee to go up to Fort Snelling to locate the bridge. Mr. Gillilan offered a resolution that the bridge should not be more than 1,800 feet above the present crossing. The resolution was adopted.

The sentiment of the meeting was strong in favor of issuing \$100,000 in bonds.

CITY GLOBULES.

Officer Hilyer, under charges of sleeping upon his beat, has resigned.

The junior partner, E. L. Larpenuter, of Dodge & Larpenuter, printers, is lying critically ill.

The West Wisconsin railroad, with all its franchises, equipments and lands, is to be sold at auction in Madison, Wisconsin in March.

The court-martial at headquarters adjourned yesterday morning until Monday next, after a session of a very few moments duration.

Governor Pillsbury yesterday attached his official autograph to sundry bills which had passed both houses, all of them being of very small importance.

The legislative committee of both legislative branches on the soldiers' orphans departed last evening, for Winona to make the annual inspection of the home.

The Great Western band will proceed to the St. Paul & Milwaukee depot this morning at 10:50 to meet and welcome the Hessian Military Band which gives a grand concert at the Opera House to-night.

Reserved seats for Gov. Davis's lecture upon "Madame Roland" will be sold at the box-office of the Opera House, Tuesday, Feb. 19th, beginning at 9 o'clock a. m. All desiring seats will do well to secure them at that time, as a crowded house is a foregone conclusion.

A man named Amos Denny was fatally injured on Thursday, by a boiler explosion at Pelican Lake, in the town of Franklin, Wright county. Mr. Denny is about 55 years of age, and is connected with Hon. L. H. Rawson, of the House, who was telegraphed for, and left yesterday morning for Delano.

On Tuesday last Deputy United States Marshal Brackett, of this city, arrested Mr. Wagner, the proprietor of a brewery in California, Houston county, who was charged with using beer barrel stamps more than once. The prisoner was taken before Commissioner Berry, at Winona, and gave bonds for his appearance there at the June term of the United States district court.

CREMATION.

The Death of Mrs. Benn Pittman of Cincinnati—She Makes a Peculiar Dying Request.

WASHINGTON, Pa., Feb. 15.—The train bearing the remains of Mrs. Benn Pittman of Cincinnati, destined for Le Moyne's crematory, arrived here shortly after 11 o'clock this morning. Mr. Pittman, husband of the deceased, and Mr. Plimpton of Cincinnati, were the only parties who accompanied the corpse. The casket, a beautiful creation of birdseye maple, handsomely carved, was taken from the train and placed in a bier which immediately proceeded to the furnace and the cremation is expected to begin about two o'clock and occupy probably about two hours. The ceremony will be conducted in a strictly private manner, no one being allowed access to the crematory building except Mr. Pittman and the parties in charge.

The fire which was started yesterday morning at half past nine, had reached a heat of 1,200 degrees at 12:30 this morning. The beginning of the ceremony will be regulated as to time by the condition of the furnace. A large number of newspapers are represented and a good deal of disappointment is manifested at the strong stand taken by Dr. LeMoyné against admission of the press. Mr. Pittman expresses a willingness to admit reporters, but Dr. LeMoyné wishes to establish the precedent of privacy and will not allow them to be present.

ACCOMPLISHED. WASHINGTON, Pa., Feb. 15.—The cremation of the remains of Mrs. Benjamin Pittman, of Cincinnati, was successfully accomplished this afternoon, the entire operation lasting less than two hours.

[Cincinnati Enquirer, Feb. 13.] Yesterday the intimate friends and acquaintances of Mr. Benn Pittman, the well-known photographer, received funeral cards bearing the following legend:

DEED—February 11th, 1878, Jane, the beloved wife of Benn Pittman, in the 52d year of her age. Her remains are embalmed, to be, in accordance with the provisions of her will, conveyed to Washington, Pa., to be cremated by the Le Moyne Crematory.

After quotations from the above from the Old Chronicle was never fitted applied. Mrs. Pittman was an extraordinary woman, no matter in what light viewed, and it would be a pity to let her life and her merits and her virtues. For twenty-five years she has lived in this city, and during that time it is safe to say that no woman in the city has been more busy than she or has been more popularly beloved. Having studied photography from her husband, she became at once his partner and his helpmate in his short-hand labors, and invaluable has been the aid she has given him. To assist him to publish his works on photography, she had had an engraving made of her portrait, and she had had her name and his published on photography, fully half of the labor of preparing them fell to her. She was able to read her husband's phonetic notes as readily as the printer, and by supervising their transcription by amanuenses she often enabled him to finish his work in an almost incredibly short time. An evidence of this was given during the congressional examination of the riots in New Orleans. Mr. Pittman's official reporter, who had been sent to Fort Snelling to locate the bridge, Mr. Gillilan offered a resolution that the bridge should not be more than 1,800 feet above the present crossing. The resolution was adopted.

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The property holders on the eastern edge of the city, surrounding the new site of the St. Paul plow works, near the harvester works, have petitioned for the erection of a fire alarm box in that section. The common council committee in the fire department had the matter under advisement yesterday afternoon, and postponed action until the chief engineer ascertained the estimated cost thereof.

For the first time in the history of Masonry in Minnesota, a funeral took place yesterday under the auspices of a colored lodge of Free Masons. The deceased was W. A. Griffith, chaplain of the Pioneer lodge, by whom he was much respected. About thirty members were in line, and a band of music headed the procession, playing a funeral march. The cortege paraded the principal streets, and attracted much attention.

The Roman Catholic church, college and bishop's residence, at Chatham, N. B., was burned yesterday.

Geo. W. Lamson represents the Franklin F. and M., of St. Louis.

RETURNING BOARD AND ANDESON.

Argument For a New Trial—One of the Pleas Set Up Apparently Proven.

NEW ORLEANS, Feb. 15.—The rule of a new trial in the case of Gen. Anderson came to-day. A large list of witnesses were called, among them Jeremiah Lincoln, Hon. F. C. Zacharie and a number of colored politicians. Mr. Castellanos read the motion and supplemental grounds for a new trial: First, that the verdict was contrary to law and the evidence; second, that James Prince, one of the jurors under the age of 21; third, that Jeremiah Lincoln, one of the jurors previous to being sworn, in the case had expressed an opinion; fourth, that Anderson was tried by only eleven jurors; fifth, that new and additional evidence had been found since the rendition of the verdict; and sixth, that the jury was deprived of the testimony of Littlefield, who could prove the innocence of Anderson; seventh, that by the testimony of Senator T. C. Zacharie accused would prove his absence at the time the Vernon parish returns were prepared. A large number of witnesses were called, mostly colored, all of whom testified to the fact that James Prince was not 21 years of age. Two witnesses visited Prince's mother in 1875, when she introduced him as between 17 and 18 years of age. One of the witnesses testified that his (witness's) father died December 5, and James Prince was born a year and a half or two years afterwards. Another witness testified that Prince's mother in 1872 said that James was 14 years of age.

A. F. Terralin testified that three months before the Anderson trial James Prince, when he suggested to him to apply for membership in the order of Friends, told him he could not apply, he was not twenty years old. After trial witness asked James Prince how he could serve as a juror, not being of age, when James Prince stated that his mother told him he was twenty-three years of age.

As to the point relative to juror Lincoln's statement in regard to Anderson's guilt, it was not proven.

Senator Zacharie, member of the Democratic committee of the returning board, testified that he believed Anderson was not present at the opening of the returns from the parish of Vernon, Louisiana, and would not say so on oath.

Mr. Collins' report of the returning board proceedings quoted from during the trial, was not altogether correct in every particular. The defense asked Zacharie if he was not aware of the fact that Littlefield's testimony was material to prove the innocence of Anderson. The attorney general objected, and the court sustained the objection, to which a bill of exceptions was taken.

Mr. Castellanos, of the counsel for the defense, asked the court to allow the testimony of the assistant attorney general had stated to Senator Zacharie that Littlefield was not put upon the stand at the trial, because his testimony would have acquitted Anderson.

The assistant attorney general having made such statement, the court held it would have no effect if this conversation had taken place.

The question put to Senator Zacharie was finally withdrawn. Assistant Attorney General Egan testified that he had only stated to Col. Zacharie that the testimony of Littlefield would have injured the case. Briefs will be submitted to-morrow and the case be decided without argument.

SELLING THE PRESIDENCY. How Hewitt Commenced but Did Not Finish. [Washington Cor. (Feb. 13.) Chicago Times.] Said Hewitt, deliberately: "Some one sold out the presidency. Noly at the North sold it out. The proposition was made to me to sell it, and I contemptuously rejected it." It was a big, worthy of notice, and struck the faces of members as this sentence of Hewitt's sprung from his lips. The Southern members exchanged glances. The Republicans yelled, "name, name," while Ellsworth, who called, and bells of cheap talk, beat the dull time of aggressive impertinence in the middle aisle of the House, in demanding that Hewitt should account to him personally for his remarkable statement and tell him personally about it. During all this confusion and uproar Benjamin Tucker, with his eye-glasses in dead rest upon Hewitt, sneaked an unit cigar as he beckoned Tilden's aide-camp to him. Hewitt said, "I will tell you, and all about it." At this the uproar among the Southern members subsided. Hewitt enabled him to prepare very lengthy reports and meetings and speeches for the press extremely rapidly. Her fatal malady was a cancer of the stomach, which had been seeping and undermining her health for some time. Her death occurred in the strict sense of the term, Mr. Pittman believed thoroughly in the main points of the examination from New Orleans to this city, where she had them transcribed. So speedy was this performance that the manuscript was put in the hands of the printer and the printing commenced before the committee got back to Washington city. Mrs. Pittman was able to dictate from her husband's notes to seven scribes at one time, and so could have a hundred words or more written in each minute. This facility enabled him to prepare very lengthy reports and meetings and speeches for the press extremely rapidly. Her fatal malady was a cancer of the stomach, which had been seeping and undermining her health for some time. 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