

Contractors' Suit Against the City--Interesting Decision of Judge Brown.—The suit of Hildebrandt & Stowe, contractors for the building public school building No. 21, corner of Gilnor and Presstman streets, against the mayor and city council, brought to recover \$1,000, with interest from November 25, 1876, for extra work on said building, terminated in the Court of Common Pleas yesterday in a verdict for plaintiffs for \$270, with interest amounting to \$318 60. Judge Brown gave his decision at some length upon the propositions of law which had been argued by counsel and submitted at the adjournment of the court on Friday. The principal item of the plaintiffs' claim, viz. \$810 for 2½ feet of extra height given to the basement of the school-house, the court held, could not be allowed. The written specifications, which were a part of the contract, provided expressly that no deviations from the architect's plans, or claims for extra work on the part of the contractor, should be allowed, unless authorized by the inspector of buildings in writing. No such authorization had been shown for the extra height given to the basement; it had resulted solely from a mistake on the part of the contractors themselves, honestly made, no doubt, but for which he could not hold the city responsible. To allow the plaintiffs to recover for this portion of their claim would defeat the whole purpose of the carefully-drawn specifications by which the city had guarded itself against just such claims. With respect to the smaller items of the plaintiffs' claim, aggregating \$270, the same rule applied. There could be no recovery unless written authority from the inspector of buildings could be shown. No such paper had been produced, and it was admitted that no such paper was in the possession either of the plaintiffs or of the city. The city solicitor admitted that he had produced all the papers in the custody of any department of the city government relating to the case. This paper, if it existed, was therefore lost. Gen. John W. Watkins, who was inspector of buildings at the time, had testified very positively that there had been such a paper, prepared by himself at the time, and that it was in existence and was before him when he testified in relation to the same subject before a committee of the city council. It was for the jury to find upon the evidence whether, when the work was done, it was done in pursuance of a written authority, which had since been lost. The case being submitted to the jury, they rendered their verdict as above stated. Messrs. Wm. H. Cowan and Alfred J. Carr for plaintiffs, City Solicitor Hall for defendant.

Condition of the Rathmore and Cargo.—Yesterday the work was completed of debarking the surviving cattle from the British steamship Rathmore, which returned on Sunday to Locust Point with decks swept and a number of the cattle drowned, killed and maimed. The cattle were sent to the drove-yards for recuperation. A veterinary surgeon was appointed to examine them and report upon their fitness for immediately crossing the Atlantic. It is thought probable they will be kept over until in full condition for a later shipment, perhaps, and their places on the Rathmore can be taken up with other stock if the shippers so elect. The Rathmore is not in need of any extended repairs, and could at once go to sea if the question about the cattle was settled. The steamer in any event is not likely to start away again with so large a cattle shipment—400 head. Mr. Mitchell, first officer, who had several ribs broken and was badly bruised in the gale, came up to the city to note a protest before a notary public, as required on the arrival of his ship. The agent of the Rathmore, Mr. Haughton, yesterday received a cable dispatch authorizing him to send home to England the body of Capt. Henry Rowles, late commander of the steamer, who was killed by a heavy iron gin-block falling upon his head last Thursday night while at his post during the fury of the gale. The remains will be sent on the steamer Orchis, Capt. Parry, which is nearly ready for sea. A new commander, temporarily appointed, will take the Rathmore out to London. The pecuniary loss in the destruction of cattle, &c., falls upon the insurers. Collector Thomas sent a message of condolence to Mr. Haughton on the death of Capt. Rowles, and ordered the flags on the custom-house and public stores to be half-masted as a mark of respect. The flags on the foreign steamships and many sailing vessels, including American, in port were also at half-mast. Capt. Rowles was a frank, kind-hearted man, a competent commander, and had many warm friends among British and other residents of Baltimore.

Suit Against an Oculist.—The jury in the suit of Margaretha Ruths against Dr. Geo. Reuling, in the City Court, for \$10,000 damages for alleged injury growing out of an operation on her eyes, were given the case about 3 P. M. yesterday, and had not agreed when the court adjourned till to-day. In the closing argument, Mr. Packard, counsel for Mrs. Ruths, said they did not claim that Dr. Reuling had treated her unskillfully, but they did claim that he had operated on one of her eyes without her consent. The sheriff cannot enter the humblest shanty unless authorized by the authority of the State of Maryland, and much less could a surgeon operate on a patient, cut and slash the "human face divine," without the patient's consent. Judge Garoy, in laying down the law, said, if a doctor is employed, generally he may proceed according to his judgment and with the ordinary skill of his profession without being liable in damages, if the operation was necessary. But he is liable to a suit if he guarantees a cure and fails, or if there was not ordinary skill shown, or if the operation was not necessary. Mrs. Ruths contends she employed the Doctor to operate on one eye, and he operated on both.

Night School of Design.—The winter session of the Night School of Design of the Maryland Institute was opened last night in the neat, cheerful new quarters. About 150 scholars were assigned to seats, a larger number than at the opening for some time. Messrs. Carroll Spence, James Bond, W. H. Perkins, George Rogers, Robert Ashcroft, of the Institute managers, were present. Mr. Spence, as chairman of the school committee, addressed the scholars. He said he had, with others, examined art schools in the North, and found the rooms, arrangements and professors here are equal to any. He congratulated the youths upon their opportunities to prosecute art studies. The corps of teachers comprises Profs. Hugh Newell, principal; George Way, A. B. McLaughlin, Philip Wallace and H. D. A. Henning. The bookkeeping school will open to-night.

Acquitted of a Serious Charge.—Joseph Welsler was tried in the Criminal Court before a jury yesterday on an indictment for felonious assault on Kate Lightner, a girl in her fourteenth year, whom he had taken to live in his family. Dr. J. T. McShane, assistant health commissioner, Mrs. Davis and Mrs. Behrens and the girl's father were witnesses, besides the girl, for the State. Welsler's wife testified for him. The indictment charged that the assault was committed last September on Welsler's premises, in East Baltimore. The jury, after being out over one hour, returned a verdict of not guilty, and Welsler was discharged.

Fined for Keno.—Andrew Heinz, No. 41 North Calvert street, in whose house the keno game was broken up last Saturday night and forty-two players and two dealers arrested by the police, was brought before Justice Johns yesterday on a charge of permitting or allowing gaming on his premises. About twenty-six of the forty-two witnesses testified to their participation in the game, and the accused was fined \$100. He paid the costs and took an appeal to court, giving bond for the fine.

Executive Pardon.—Frank Butler, who was sent to jail for six months by the Circuit Court of Howard County, on complaint made by Sheriff Hunt of interference during a disturbance at Irving Park, last June, has been pardoned by Gov. Carroll at the request of citizens of Ellicott City and Baltimore and Ohio railroad officials. Mr. Butler returned to his position in the employment of the railroad company.

Inspector of Coal Oil and Gas.—Prof. Aiken, inspector of gas and illuminating oils, obtained from Comptroller Vansant yesterday a list of all those who have taken out licenses to sell coal oil, preparatory to beginning his inspections. Prof. Aiken has a number of applications for the position of assistant, but has made no appointment. The salary to be paid is left discretionary with him.

Portrait.—A large crayon portrait of the late Budd S. Ford, measuring 26 by 36 inches, inside frame, is on exhibition at 38 inches, jewelry store, on Baltimore street. The likeness is striking and the work artistically done. The artist is Henry Fenge, No. 231 South Paca street.