"THE CHALLENGE"

To the Editor of The N. Y. Tribune.

SIR: In your morning edition of this date I find an article concerning myself, signed S. Miles Poer.

Now, Mr. Editor, so far as concerns myself giving the challenge stated, I pronounce it false. It was I who received and accepted the challenge. This Mr. Poer may well say he declines to meet me, because, within a few days no doubt he has discovered his lack of knowledge concerning the Constitution and laws of the country. He states he finds myself capable of a mere war of words. Again with that arrogance and egotism, (which only becomes a coxcomb) he states he wishes to meet a person capable of close logical reasoning, and when any gentleman of known ability and veracity takes up the question, he (humbug) is prepared to meet him. Once I heard a few whining, canting expressions escape this modern reasoner's lips that was enough for me of his insincerity. He is beneath my notice, except once to express my contempt. I now hope that the Temperance people will hereafter select some person of stability of mind enough not again to ignominiously back down. I have been informed that one reason which called forth the reply of this back-down, close logical reasoner, was that sufficient funds could not be raised to hire the Tabernacle on the part of himself and friends. I leave this modern Napoleon where I found him viz: of no account, and shall hereafter pay no attention to him. Respectfully,

JACOB COLE, No. 289 Broadway.

April 4, 1854.

CHARGE OF BURGLARY.—James Scott, a colored man, was arrested yesterday in the act of stealing from the house No. 84 Sullivan-st., which he had broken into. He was locked up by Justice Clark for trial.

CHARGE OF FALSE PRETENSES.—Charles N. Clark and Sanford N. Rowe, both young men, were yesterday arrested by Sergeant Mansfield of the Lower Police Court, charged with having, on the 26 of January last, obtained by false pretenses as to their responsibility, cigars to the value of $1,010 from Messrs. Kelcham & Owen, merchants at No. 251 Pearl-st. It is also alleged that after purchasing the cigars at a fair price, they sold them at much less than their value. They were locked up by Justice Bogart for examination. Rowe lives in Thirty-second-st., and Clark in Duane-st. near Hudson-st.

ARREST OF A FUGITIVE.—Policeman Norris, of the Chief's Office, yesterday returned to the City from Georgia, having in his custody a man named Jacob F. Ruhl, who stands indicted for perjury. He was committed to prison to await trial. Officer Norris, who went to the South for his health some months since, has returned perfectly restored, and resumed his duties.

STORE BREAKING.—The store No. 251 Division-st. was burglariously entered last night by some rogues, who broke a pane of glass in the basement window and removed the entire window casing on the inside. From the basement they made their way through the trap door into the store, and overhauled the entire contents. Nothing valuable has yet been missed.

[Advertisement.]

To the Editor of The N. Y. Tribune.

GENTLEMEN: Reports having been published in several of the city papers alleging that Abel Chandler, Esq., of this city, had been charged with forging a deed, I beg leave to secure you, and through your widely-circulated journal the friends of Mr. Chandler, that the reports themselves are distorted accounts of the charge; and that the charge itself is untrue, and will so appear upon a hearing. Very respectfully your ob't serv't,

GEO. BARSTOW, Counsel for said Chandler.

[Advertisement.]

Competition is almost over: Root has the field to himself. Everybody wanting perfect Daguerreotypes goes to him, at No. 365 Broadway. Crayon Daguerreotypes, Crystalotypes, and Stereoscopes, taken to perfection, at the World's Fair Premium Gallery. SAMUEL ROOT.

[Advertisement.]

UNCLE TOM'S CABIN THIS AFTERNOON AND EVENING.—This rare, thrilling, amusing, piquant and delightful moral drama, will be repeated both this afternoon and evening at Barnum's Museum.

[Advertisement.]

"UNCLE TOM'S CABIN."—Don't forget that this wonderful Drama, with the new improvements and additions, is to be performed at the National Theater this afternoon and evening, commencing at 2 and 7 o'clock.

[Advertisement.]

THE LAST OF BARNARD AND HIS PAINTINGS.—The Georama exhibition rooms being engaged for the Great Tree of California, the "Nile and Holy Land" must close in one week. So those who have delayed a visit must hasten. This afternoon at 3 and every evening at 8 o'clock.

[Advertisement.]

Drs. Roberts, Surgeon Dentists, have removed from No. 88 West Eleventh-st. to No. 55 Bond-st., where they are prepared to execute in the most approved style, at medium prices all work pertaining to their profession. Persons wishing dental operations performed would do well to give them a call, as their work is warranted to give satisfaction or no charge made.

[Advertisement.]

SILK AND LINEN GOODS.—One of the most complete assortments of silk to be found in the city at Columbian Hall, No. 281 Grand st., consisting of rich striped and plaid glace silks of the newest styles, solid colored poult de soie for dresses and mantillas, of the most desirable shades, received per steamer Baltic. Also, a choice lot of India and Foulard silk, bought at auction for less than cost of importation. Plain black and black figured silk of every description. Linen sheeting and pillow linen, all widths, at less prices than can be bought in the city, recently bought at auction, and are a bargain. Linen damasks of the best manufactures, napkins and table-cloths, to which the attention of housekeepers and hotel proprietors is invited. One price invariably.

S. & M. E. TOWLE & Co., No. 281 Grand st.

[Advertisement.]

Gas Chandeliers, Brackets, Pendants, &c., the most complete variety of new and chaste designs ever offered in this city. Beautiful French and English patterns just received, all to be sold at very low prices by W. J. F. Dailey & Co., New Marble Stores, Nos. 631 and 633 Broadway.

[Advertisement.]

GAS, GAS, GAS!—Chandeliers and Gas Fixtures, of modern and antique designs, will be found at the great manufacturing depôt of Archer, Warner & Co., No. 376 Broadway. The largest stock in America.

[Advertisement.]

THE EXCEPTIONAL CLAUSE IN THE MAINE LAW.—It is fair to suppose that the exceptional clause of the Maine law, in favor of the sick, was not intended to license the use of ardent liquor for the use of those who, of all others in the community, would be most injured by an impure article. I therefore take it for granted that "Temperance Men," as well as benevolent persons, desire that invalids whose cases require the exhibition of alcoholic stimulants should be furnished with the purest liquors which the world can produce. If this be so and I cannot doubt it then the strictest professor of temperance is morally bound to recommend and administer my Schiedam Schnapps in such cases. He is under a moral obligation to do this for the subjoined reasons: 1st. The unrivalled purity of the article has been proved by analysis. 2d. Its restorative and curative effects have been witnessed in the practice of more than three thousand distinguished physicians. 3d. The testaments above made are attested by the voluntary declarations of the leading medical men of the United States, and by chemists of high standing, over their own signatures; and 4th, no man can allege ignorance of these facts, as they have been published in tens of thousands of pamphlets, in innumerable circulars, and in nearly every newspaper in the Union.

Under these circumstances I have a right to call upon temperance men, as philanthopists, to aid in introducing into the sick room, for medical purposes, a liquor which they must know, if they recognize demonstration as a conclusive argument, possesses higher claims to the confidence of the physician and the patient, than any other spirit procurable in America.

UDOLPHO WOLFE, No. 22 Beaver-st.

[Advertisement.]

The science of the world has said the word,
And Lyon's claim admitted as preferred.

Lyon claimed before the World's Fairs of London and New-York to have invented the best and only safe preparation for the destruction of bed-bugs, roaches and other insects and each Fair has awarded him a medal. Call and see the prizes at No. 424 Broadway.

BROOKLYN ITEMS.

SUICIDE.—At an early hour yesterday morning the body of a man was found lying in a grocery wagon in front of the store of Alderman Morrell of the Second Ward, on the corner of Market and James-sts., which, at first sight, presented the appearance of having been murdered. It soon proved that the body was that of Mr. Charles Bostwick, the husband of Mrs. Emma Gillingham Bostwick, who is well and favorably known in this community as a vocalist. The deceased was lying lengthwise in the wagon, his head near the tail-board, and a single-barreled pistol by his side. The part of his skull above the right eye was completely blown off, and portions of it were found at a distance of several feet from the vehicle. His hat had also been impelled a considerable distance. The wagon was covered, and the curtains fastened down, with the exception of the rear curtain which hung loose. His face was somewhat blackened with powder, and marks of blood and portions of brain were scattered about the wagon—all of which goes to show that the pistol was held in close proximity to his head. The ball penetrated a little above the right eye, and must have come out about the right temple. The pistol had a large bore, and was capable of producing the effect. The keeper of a tavern in the vicinity states that he heard the report of a pistol about 10 minutes to 1 o'clock the night previous, at which time it is probable the occurrence took place. The body was taken to the Dead House, and a post mortem examination was made by Coroner Ball and Dr. Cochran. Deceased was about forty years of age, and till within about a month past, had been employed at the Navy Yard as Commodore's Clerk, which position he had held for some years. Lately he appeared somewhat deranged, and it is supposed that he committed suicide while laboring under a temporary fit of insanity. He leaves a family. An inquest was held and a verdict of Death by Suicide was rendered.

THE LONG ISLAND RAILROAD.—The Directors of the Long Island Railroad applied at the last meeting of the Common Council for privilege to run a milk train on Sundays. The Aldermen were of the opinion that it was to make pleasure excursions, and consequently laid the matter on the table.

ELECTION FOR ALDERMAN.—An election is to be held in the Fifth Ward on the 25th inst., to fill the vacancy occasioned by the death of Patrick Henry Morris, late Alderman of that Ward.

DEATH UNDER PECULIAR CIRCUMSTANCES.—A respectable farmer named Richard Van Wyck, residing at Flatland Neck, L.I., died suddenly on Saturday last, under circumstances which rendered it necessary to hold an inquest on the body. He had gone to the adjoining village of Canarsie in the morning with a wagon-load of vegetables, and on returning in the evening invited an acquaintance whom he overtook on the way to ride home with him. While proceeding on their way, Mr. Van Wyck suddenly fell back in the wagon, as his companion supposed, in a fit. They reached the house soon after, when, on proceeding to lift him out they found he was dead. The Coroner's Jury returned a verdict of death from apoplexy.

REWARD FOR INCENDIARIES.—At the last meeting of the Common Council, a resolution was adopted authorizing the acting Mayor to offer a reward of $250 for the detection and conviction of the incendiaries who set fire to the houses in Walworth-st. on the 5th inst., on which occasion an old man named Carpenter was consumed in the flames.

SUDDEN DEATHS.—Capt. James Foster, a gentleman well known in this City, was prostrated by an apoplectic fit while attending to his business in New-York on Monday. He was brought to his residence, No. 307 Bridge-st., immediately afterward, and had no sooner entered the house when he expired.

John Muller, one of the Deputy Sheriffs of this County, expired at his residence in Adams-st., on Monday evening, having been taken with bleeding of the lungs the day previous.

REINSTATED.—Engine Company No. 3, which had some time since been suspended for disobedience of orders, was reinstated on Monday night last by a resolution adopted by the Board of Aldermen.

WILLIAMSBURGH ITEMS.

ACCIDENTS.—A ship carpenter named James M. Casper, residing in South First-st., was seriously injured by falling from the scaffolding of a vessel, some 18 feet, in Mr. Patterson's yard, on Monday afternoon.

The same afternoon, a man named Michael Cregan, while engaged at work in the ship-yard of Mr Stack, had his leg badly broken by a stick of timber rolling upon him.

On Monday evening, one of the Greenpoint stage-drivers, named Brown, while intoxicated, fell from the top of the stage and was badly injured about the head.

INQUEST.—Coroner Hanford held an inquest yesterday at a house in Boerum-st., on a little daughter of a colored woman named Frances Wallis. The Jury rendered a verdict of death from thermic asthma.

NEW-JERSEY ITEMS.

TROUBLE IN THE NEWARK FIRE DEPARTMENT.—Some differences have arisen between the Newark authorities and the Fire Department, arising out of the enforcement of an ordinance that there shall be no assemblages in and about the engine-houses on Sundays. The firemen held a meeting on Saturday evening last on account of the engine houses having been locked up on Saturday morning. The Chairman of the meeting, in his opening remarks said that "If the authorities deemed it best to establish a paid department, he should make no opposition; but he believed the present department had always been prompt and faithful, and it was their duty to maintain their organization till another was established." The resolutions of the meeting declared their intention not to disband themselves and forfeit their privileges of firemen; they charged the Common Council with having laid petitions upon the table, and cast indignities upon the department; that proper facilities have not been afforded to them in the performance of their duties; that the Sunday ordinance, at the time of its adoption, twelve years ago, was a wise measure, but they looked upon its revival now as their total dismissal; that some of their comrades have been arrested without just cause; and the placing of locks upon their engine houses is an unheard of degradation. They also announce their determination to continue to aid in extinguishing fires.

The Common Council also held a meeting on Saturday evening, at which they denied the request of the Fire Department that "officers and well disposed members might visit the engine-houses on Sunday."

The Chief Engineer of the Department reported that he had on Saturday morning placed padlocks on the doors of all engine-houses not previously locked. That he had taken off that No. 5, the foreman and others becoming responsible, and that the lock on No. 6 was wrenched off and another had been put on.

He also stated that the acting Foreman of Engine Co. No. 1 would do duty with 20 men, and that five citizens had been enrolled; that 18 citizens had been enrolled to take charge of No. 2; that 11 firemen and 11 citizens would take charge of No. 3; 14 members of No. 4; 25 members of No. 7; the foreman and 20 men of No. 9; four citizens of Hose Cart No. 1; and that Engine Co. No. 11 was ready to do duty.

The following resolution was unanimously adopted:

Resolved, That the recent action of the Chairman of the Fire and Water Committee in regard to the improper assemblage of persons in the engine-houses on Sunday, meets with the hearty approval of this body.

A Special Committee on a Paid Department was appointed, consisting of Ald. Crockett, Morris, Dodd, Layton, Whitney, and Dunham, to draft a plan for a paid department. Some of their number will visit Boston to inspect the system there in operation.

LAW INTELLIGENCE.

COURT OF OYER AND TERMINER—Before JUDGE ROOSEVELT.

TRIAL FOR ARSON IN THE FIRST DEGREE,

THE PUNISHMENT FOR WHICH, ON CONVICTION, IS DEATH.

Two young men, called John Dorringer 1st, and John Dorringer 2d, were placed upon trial, charged as above, in setting fire, it is charged, to a lager-bier establishment and saloon, No. 40 Prince-st., before day on 24th February last. Mr. Phillips appeared in their defense, and Mr. Blunt, District-Attorney, for the prosecution.

A Jury was soon impanneled the points of inquiry by counsel, on impanneling them, being, on the part of Mr. Phillips, whether the Juror called to be sworn, had any interest in the St. Marks Insurance Company, and, by the District-Attorney whether they had conscientious scruples in finding a verdict of guilty where the penalty is death.

Mr. Phillips made a preliminary motion requiring the District-Attorney elect which count of the indictment he would choose, there being counts also for arson in a lesser degree than first. This was overruled as the Jury would be at liberty to bring in a verdict as to such a degree of arson as they thought would be proper.

The District-Attorney then opened the case. He said, although of the same name, the prisoners are not related. They were proprietors of an establishment consisting of a small frame dwelling house, with a lager-bier saloon in the lower story. They procured (and appeared to be in a great hurry to get it) a policy of insurance for $500 on the furniture and contents of the saloon, which was a small drinking establishment. Between 4 and 5 o'clock on the morning in question a police officer observed smoke proceed from the house, and on kicking the door open prisoners ran out, being fully dressed. The fire was extinguished, and the house ascertained to have been evidently fired in each story. The District-Attorney proceeded to call his witnesses.

James T. Cowenhoven, sworn—Am surveyor for St. Marks Fire Insurance Company, No. 22 Third-st; the policy here shown was executed at that office; it is to John Dorringer for $500, on furniture and clothing $350, and stock and fixtures $150; in consideration of $5 premium, dated 24 Feb., 1854, for one year from 12 o'clock noon; previous to issuing the policy I made a survey of the premises; I did so on Saturday, 18th Feb.; the building is on south side Prince-st. nearly opposite the Cathedral, 10 or 15 feet back from line of street; it is a two-story frame building, shingle roof, with an attic and basement; the front room was a bar-room, and the back room appeared to be a sitting-room with a long table in it; I saw two men and a woman when I went there; think one of the prisoners (No. 2d) was one of these persons; there were a few chairs and an old sofa or settee in the bar-room, and a small bar, with decanters, glasses, &c.; in back room saw a long table, 10 or 12 feet long, with some chairs; it was a common pine table; I think there were three rooms in the second story—a bed in each room and some little furniture, and same in attic; I did not go into the basement; I valued the whole of the property in the bar-room and house at $600.

Sigismund Lang, sworn—Reside at No. 194 Second-st.; am broker for St. Mark's Fire Insurance Co.; I was first requested by some one from Pacific Insurance Co. to go to their place to ask them if they wished to be insured; he said the Pacific Office could not take them, as they had already enough insurance in that row; I saw John Dorringer No 1, whom I had the conversation with; saw also the other there; I asked for John Dorringer, and the first answered; I told him I was recommended by Mr. Francis to come to him to see if he wanted insurance; he said yes; I asked him how much he wanted; he replied $500, on his house, furniture bar fixtures, &c.; I put it down in my book and reported it to the Company; the Monday or Saturday; the surveyor said it would be $5 0, and I was told to charge 1 per cent; I went on Monday to tell them the charge; I then saw the 2d J. D.; I asked for John Dorringer, and he replied that he had stepped out, and he supposed was looking for another insurance because I did not come; I went away and left my card, and said he could see me in the evening at my house if he was not insured; John Dorringer 1st came to my house about 6 in the evening; he said the other young man was mistaken in saying he was gone for other insurance—that he had been waiting for me; I told him he could have his policy next day, and he said he would take it; next morning about 8 o'clock I went to the Insurance Office and saw him there; he asked if he should wait for the policy; I told him I did not know, that the officers would not be there till 9 o'clock; he said if he could leave his work he would come; I told the lad that kept in the office to take a memorandum that he wanted insurance at 1 per cent; that was the last I saw of him.

By Mr. Phillips—Saturday, I think, was the 18th February; before naming $500 he asked me to look through the house to see if the value; I told him that part of the business belonged to the Surveyor; he said they occupied the whole house, and I told him he could show it to the Surveyor.

John O'Brien, sworn—Resided in February at No. 42 Prince-st., adjoining No. 40; I was a bar tender at No. 42; knew the prisoners by sight; knew them about a month at No. 40; recollect the time of the fire; it was Friday morning, about 20 minutes before five; I was up at the time; saw, Wednesday or Thursday previous a number of bottles going away in a wagon; it was about 11 o'clock, noon; they were in boxes having divisions for carrying bottles; saw some of them carted, but would not say whether they were empty or full; do not know who was taking them away; there were no other bottles in the wagon; it was an open wagon.

By Mr. Phillips—They appeared to be small wine bottles; could not swear there were no other bottles in the wagon; a German had occupied the house before Mr D.

Q. Do you know of the house having been attacked? (Objected to—Mr. Phillips said he wished to show that an attack had been made, and threats made to destroy the house, the object being to show that some other person probably set fire to the house—the Judge allowed it.)

A. Heard of some stones being thrown once; did not see it.

Patrick McWay, sworn—One of the Fourteenth Ward Police; my beat was partly in Prince-st; No 40 was not on my beat; recollect the fire; I was at the time of seeing it about opposite No 42, same side of the street; Officers Wallace and Doyle were with me; there is a close board fence before No. 40, entered by a kind of double gate, and a small alley-way between No. 40 and No 42; no entrance to No. 40 in front, except by double gate; my attention was first attracted by a cry of fire; I think it came from the building; it was about 4½ o'clock, very dark; we gave the alarm; broke open the outer gate, when I ran up the stoop and tried to open the door; I kicked it in, when the two Dorringers here present rushed out; one of them dropped his hat, he was in such a hurry; they were fully dressed; one had a cloak and a couple of coats; they had stand-up collars and cravats on; a man named John Roberts got hold of one of them, and Mr. Kavanagh a fireman, got hold of the other; I went into the building as far as I could for the smoke; I then went down to the basement and kicked that door open, and smoke also came out of there; I asked them if there were any other person in the house, and they replied, No, no one but themselves; took them to the Station-House; went to the house about 8 o'clock; the basement was very much burnt; the fire appeared to have been all round it, black and charred all over; the furniture that happened to be there was burnt; the bar-room was very much burnt too; saw the remains of two or three chairs; saw a stove and small table in the back room; think it was a center table; that room was also burnt; the second story was also burnt; in the room over the hall there was a wash basin and a bed; think the room was charred; the front and back rooms had also been on fire; think the fire could not have been communicated from one room to the other; there was a bed and some furniture in almost every room.

By Mr. Phillips—One of them (No. 2) appeared to be affected by smoke when they came out; both might have been; we took one into No. 42 next door, to get warm; he revived; the fire in the first floor might have been caused by that in the basement; as also might that in the second; think it very likely; found no other persons in the house; it was before day-light; quite dark.

Abraham D. Brower, sworn—One of the Lieutenants of Fourteenth Ward; was at the Station House when prisoners were brought in; they were all dressed up; John D. 1st, had on two coats, buttoned up to his throat; his hair was very nicely combed; he had his collar on, and cravat; the shirt collar of J. D. 2d was disarranged, under the stock; he did not look so smooth as the other; I did not go into the premises.

By Mr. Phillips—It was not daylight till about 6½; did not see them searched, or know whether J. D. 1st had a pocket comb in his pocket; I cannot say whether the under garment was a coat or a dressing gown; thought it strange he should have two coats on, just escaped from fire.

William H. Rose, sworn—Reside in Mulberry st., near Prince; am a fireman belonging to No. 40; I was running for my engine before the bell struck; when I got to the fire No. 40 had got the first water on it; looked from a ladder into the second-story room; saw some fire on the mantle-piece, and some in the middle of the room among some rags or an old bed on the floor; the latter was about eight feet from the mantle piece; I should judge that and the fire below were two separate fires.

By Mr. Phillips—I did not go into the house below, as further than the door; the fire was under good headway before I arrived the inside; I did not enter the room at all; cannot say whether there had been any fire burnt through the floor; I heard the cry of fire at my house; I did not see the prisoners; I had never been to their house; the fire was extinguished in from an hour to an hour and a half.

John Burnich, sworn—Am a member of Engine No. 40; she was the first at the fire; entered the front door, which had been broken open; there appeared to be fire in the back room and also in the bar-room; I has the pipe; the fire in the bar room appeared to be round the bar; we were, after playing upon it, ordered to go up stairs into the attic; tumbled over a box at the top of the stairs, first flight; it appeared, I think, to be a tea box; I then went to the attic; there was a small bedroom partitioned off on fire; a bed on it, and a mat on fire; it could not have been caused by the fire below—the fire could not get there; the door, I think, was open; the assistant foreman was before me; we two went up together; did not afterward examine the premises.

By Mr. Phillips—The box was on the flat or entry; it was dark, and I fell over it.

By a Juror—Do not know if gas was used in the house.

William Mehan, sworn—Am a police officer, attached to the Chief's Office; went to the fire with No 40; saw a box on the flat in second story, without any cover, and half full of feathers; I had a lanthern; saw the bed and bedstead on fire in attic; there was no way by which the fire could have been communicated from below; afterward examined the whole house; saw a bed made up in next room to that where the bed was on fire, and some trifle of furniture, and that's all that was in the attic; in a front room, second-floor, was a straw bed on a floor, and a large empty trunk; in the next room saw two old sirs, no bed; in another bedroom there was a bed and two or three chairs; neither the floors nor partitions in second-story were burnt; saw a lounge or old sofa and some bottles in the bar-room; did not go into the basement; don't think it was possible that the fire in the different rooms could have originated from one common source. (Objected to, as that was a question for the Jury.)

By Mr. Phillips—I was assistant foreman of No. 40; I went up stairs ahead of Mr. Burnich; we could not get up stairs for the box, and I kicked and broke it, and threw it down stairs; do not know what became of the contents; I never had been in the establishment of Mr Dorringer; had never known of an attack being made upon the house or the windows being broken.

The District Attorney then read the examination of John D. 1st: is a native of Prussia; 27 years of age; a tailor; reside at No. 40; is not married; my counsel not being here decline to answer questions; John D. 2d said he was 25; a native of Germany; went to bed in second story, and was awakened as by a pressure on my breast; was awakened by Dorringer 1st crying fire from the window; ran down stairs; could not get out till some one broke the door open, when we were arrested; I was not related to John D. 1st, and had no interest in the place; I had loaned him $50, which he owed me, and I was boarding it out.

The District Attorney said he here rested the case for prosecution.

Mr. Phillips stated that he had been retained by Mr. Dorringer, but being unwell at the time of the examination he had written to him and suggested that he should not answer questions. Mr. P. then moved for the discharge of John Dorringer, 2d, as no evidence, he thought, had been shown against him; and he contended from the statute, that it is the province of the Court in such a case, to order the discharge of a co-defendant so as to enable the defense to make him a witness for the other. In reply, the District-Attorney said it is a matter in the discretion of the Court where there is such a total want of testimony that there is no doubt. But in the present case, if the counsel insist upon his motion he should go to the Jury as regarded him. Mr. Phillips said he was willing to submit the case in regard to J. D. 2d to the Jury, without comment. The District-Attorney would not agree to, but said the question should be left till the whole of the testimony on both sides had been got in. Mr. Phillips then opened the defense on behalf of both. He contended that it could not be considered as arson in the first degree, at any rate, as the first degree is wilfully setting fire to a house in the night time, in which there resides some human being. He insisted that this does not refer to a case in which there are no persons but themselves. He said a good character will be shown, and what appears wrong as to the removal of the bottles, &c., will be explained. These young men are Germans and had been at this house about a month. Being Germans they had excited the hostility of another portion of persons from abroad, and threats has been made that they should not stay long. They were both in bed that night and were aroused by the smoke. John D. 1st gave the alarm which was heard; he seized the trunk, which contained clothing, and was endeavoring to get it down, when he was compelled to fly and leave it on the platform, and both were nearly exhausted when rescued.

Andreas Haffner sworn—Am a beer brewer, No. 193 William-st; know the prisoners; have known one of them five and the other four years; John D. 1st dealt with me; I furnished him beer in pint bottles; I went to the house 24th February last; went in a wagon to get some bottles, and did so; got fourteen empty bottles; I had other bottles in my wagon got from other persons; the character of both the young men is good; I sold John D. 1st $3 worth of beer from 27th Jan. to 20th Feb; I went for bottles four times.

John Lehman testified to being in the employment of last witness; went with him to the house of D. and got empty bottles.

Conrad Hartman sworn—Was at the house of John D. 1st, the evening before the fire; everything appeared as usual; I saw bricks and pieces of coal thrown into the windows on the night of 16th Feb.; the windows were broken; they were common-dressed persons that attacked the house; they said they would get the Dutchmen out of the house.

On the cross-examination the witness said he was a tinsmith and worked for Mr. Alexander, No. 150 Essex-st; there are 23 hands working in Mr Alexander's shop; they are all Germans; Mr. Alexander is a native of Switzerland; the foreman is a German.

Peter Hartman sworn—Is an upholsterer; work for Mitchell & Thompson; I am acquainted with prisoners; recollect the time the fire occurred; I had been employed by John Dorringer, 1st about six or eight days before the fire to cover a sofa for him; I had been at the house four or five times; was there the night previous to the fire; everything looked the same as usual; John D., 2d, has nothing to do with the house; was at the house nine or ten days before the fire, when there was an attack made upon the house, and the windows broken; it was by some rowdies; they said they would not have the Dutchmen right days in the house, they would have them off; they threw bricks into the windows; there were ten or twelve men of them.

By the District Attorney—It was about 11 o'clock at night; I am 18 years of age; there was no one in the house besides Messrs D. and myself and another; I ran out; the men were in front of the house; five or six of them ran into No. 42, next door; I was in the house the evening before the fire till 10 o'clock; both of the Messrs. D. were there.

Several witnesses testified to the good character of the prisoners. The case rested for defense, when Mr. Phillips renewed his motion for the discharge of John D., 2d, whom he wished to place on the stand as a witness.

The District Attorney said, in view of good character, and the want of testimony to implicate John Dorringer, 2d, and as he is to be made a witness, he would not oppose his discharge.

The Judge then stated to the Jury that there did not appear to be any motive on the part of John Dorringer, 2d, for committing the act as the insurance was not in his favor. This being the case, and there being no testimony that would authorize a conviction as to him it will be the duty of the Jury to find a verdict of acquittal as to John Dorringer, 2d, when the trial will then proceed with the other defendant.

The Jury, after consulting together a minute or two, returned a verdict as to J. D., 2d, a verdict of not guilty, and he was discharged.

Mr. Phillips wished for a short time in which he could have a conversation with John D., 2d, previous to placing him on the stand, as he had had no opportunity of doing so. Mr Blunt opposed it, and John D., 2d, was placed upon the stand. The Judge, however, after a few words of consultation privately with the District Attorney, said, in reference to the motion of Mr. Phillips, that he felt there was much responsibility resting upon counsel in such a case and it is proper that all reasonable facilities be afforded them to converse with their witnesses; and if Mr. Phillips desired it, the Court would adjourn to 3 or 3½ o'clock; would adjourn to this forenoon. Mr Phillips said he would be very glad of the indulgence. The Judge then admonished the Jury not to permit any persons to converse with them in relation to the case, and the Court adjourned to this forenoon at 10 o'clock.

COURT OF APPEALS, [April 11.—Nos. 133, 108, 117, 165, struck off. No. 79 restored and struck off. Also No. 98. No. 111 reserved for fourth week. No 62 default opened and cause struck off. No. 52, Henry L. Webb and another agt Norton and others. Barcillia Blossom, receiver, &c., respondents, agt. Erastus Corning and another, appellants. Submitted. No. 235, Lodowa Bishop, appellant, agt. Lewis Bishop, resp't. Submitted. Nos 103, 104 passed. No 142 argument concluded. No 81, Nathan Babcock agt Ransom Beman, exchanged with No 105, and on argument. A. F. Smith for appt.; T. Darlington for resp't. Argument not concluded at 4 P. M. [Albany Evening Journal.

SUPERIOR COURT—Before Judge CAMPBELL and a Jury.

Charles F. Dambmann vs. William R. Robinson and Ebenezer P. Robinson.

This was an action brought to recover from the defendants, who are dry goods jobbers in this City, for a bill of goods sold by the plaintiff, who is an importer, to Harvey G. Robinson, the brother of the defendants, who was a dry goods jobber at Providence, R. I. The transaction took place in 1850. It appeared on the part of the plaintiff that, from the fall of 1849 down to the month of October 1850, the defendants introduced H. G. Robinson extensively among the importers and commission merchants in this City, and represented to the plaintiff, and represented him to be as good as they were, and recommended them to sell him all they could. Objection was made to giving any evidence of any representation except those made to the plaintiff. But the Court held that after proving the representations to the plaintiff, contemporaneous statements to others of a like character were admissible. It further appeared that H. G. Robinson, on the last of January, 1850, was insolvent, and was then indebted to the defendants about $23,000, all of which was afterwards paid. Objection was made by Defendants proving the results of an examination of Harvey G. Robinson's books by a committee of the creditors, but the Court admitted the evidence as the proper and only practicable mode of proving the condition of his affairs during the time when the defendants were giving him credit. It appeared by his books that in less than ten months in 1850, he purchased goods to the amount of $130,100, or more than double the amount of purchases of any previous year; and that at the time of his failure, in the latter part of October, 1850, there was a deficiency unaccounted for of about $70,000; that only $31,000 worth of goods were on hand, which were immediately sold to the defendants at 70 cents on the dollar, leaving nothing to satisfy the other creditors. Some of the goods sold to H. G. Robinson were traced to the defendant's store in New-York and were sold to a Western merchant. The plaintiff contended that the evidence showed a fraudulent conspiracy between the defendants and H. G. Robinson to enable the defendants to get their debt by means of the fictitious credit given him by them, with the intention of defrauding the other creditors.

The defendants contended that the representations were made by them in good faith, believing them to be true. To account for the very large deficiency they called H. G. Robinson, who testified that about $30,000 worth of his goods had been intended to his brother, Stephen H. Robinson, and had shipped to California, from which no returns had been received. But he could not tell at what particular times, or to whom, or in what way they were shipped, or what became of them, and said he had no account whatever of them. It appeared that Stephen H. Robinson died last December, having been in defendants' employ after H. G. Robinson's failure. And H. G. R. swore he never told defendants or anybody else about the California transaction until quite recently.

The cause occupied four days, and was given to the Jury under a lengthy charge by Justice Campbell. At 8 o'clock P. M., the Jury being unable to agree were discharged. It is understood that there were eleven for the plaintiff and one for the defendants.

For the plaintiff, Messrs. Stoughton & Harrington; for the defendants, Messrs Kirkland and Delbert.

SPECIAL TERM—Before Judge HOFFMAN.

Mary Ann Cook against T. Cook, William B. Sickles and F. E. Sickles.

To set aside a conveyance of interest on patent right for improvement in fitting and regulating safety valves in steamboats, &c., made by defendant Cook and F. E. Sickles to William B. Sickles, the other defendant. Plaintiff says that she obtained, in 1849, a judgment against said Cook for $12,000, which, less $500 paid, is still in force—that he and F. E. Sickles were owners of said interest in patent right, which is worth $40,000—and that they assigned their interest to Mr. W. B. Sickles for the purpose of depriving her of the opportunity of collecting said judgment—that Mr. Wm. B. Sickles is a Clerk in the Custom-House, and could have had no means to purchase said interest and that his pursuits, as such Clerk, are inconsistent with the management of the business relating to said patent right. She contends that the said assignment was not bona fide, and asks that it be set aside.

In defense it is said by Messrs. Sickles that the assignment was made in good faith, and for full consideration. On the part of other defendant it is asserted that plaintiff until June, 1849, was his wife, but she obtained a divorce, and that the conveyances were made long before the divorce suit was commenced. Judgment reserved.

Before Judge CAMPBELL.

John Finlay agt. The Erie Railroad Company.

To recover $200, alleged value, with damages, of a horse, placed on the train to be carried to Dunkirk, already referred to. Verdict for plaintiff, $150.

Before Judge OAKLEY.

Mechanics' Banking Association agt. Charles Kirsted and S. P. Evarts.

To recover $300, the amount of a note made by Mr. K. last year, three months after date. The defense is, that Mr. K. had been requested to subscribe to the stock of a bank, which, it was stated, was to be established and located at Morrisiana, but which never was organized; that he gave the note in question as collateral for installments, but that the note was taken from where it had been deposited passed to Mr Evarts, and thence to plaintiff, and that the note was thus misappropriated, &c. Verdict for defendant.

CIRCUIT COURT.—Before Judge MITCHELL.

Jessup, &c., agt. Boyd.

To recover $1,500 against the indorser of a note drawn in Feb. 1851, payable on demand with interest. The maker failed. The holders of the note neglected to notify the indorser (whom they said they knew to be good) till nearly a year after its date. The Court considers that it was the duty of the holders, after the note had become six months old, to notify the indorser, and in omitting to do so, they were guilty of neglect, and must bear the consequences. Judgment for defendant.

COURT OF COMMON PLEAS—Before Judge WOODRUFF.

Charles F. Wetmore agt. Cornelius S. Bogardus.

Plaintiff is a young lawyer. Defendant was lately Naval Officer of the Port. The action is for assault and battery. Damages laid at $20,000.

On behalf of plaintiff it is said that on 16th of July last the parties met at Joseph Sweet's refectory, in Chambers-st. Some words occurred in relation to a former difficulty when it is charged defendant fell suddenly upon plaintiff, struck him several severe blows on the head and face &c., blacked one of his eyes, and injured him otherwise, both in person and reputation.

In defense it is said that plaintiff in fact commenced the assault, and defendant only protected himself; that plaintiff followed defendant into the Tea-Room, recriminations took place, when plaintiff gave defendant the lie, and also said that he was living upon money he had improperly got out of his friends &c., upon which defendant struck him a blow in the face. Verdict for plaintiff $25, which, being under $50, causes a like amount of costs.

Before Judge DALY.

P. Cadin and Wife agt. P. Flynn.

To recover damages, amount laid at $500, for alleged assault and battery upon the person of Mrs C., in taking her by the wrist, dragging her along and pushing her into the street. In defense the assault is denied, and it is alleged that plaintiffs, previous to 26 April 1853, had lived in part of a house owned by defendant, but they left without paying their rent. Defendant continued Mrs. C. against coming round the house, but she persisted in doing so, and defendant put her out, as he had a right to do, without using unnecessary violence. Verdict for plaintiff, $20, which carries a like amount of costs.

COURT OF GENERAL SESSIONS—Tuesday—Before the RECORDER.

Orville Gardner, alias Awful Gardner, was tried for assault and battery on the person of Mr. Truman Smith of Brooklyn, while he was walking in Greenwich, near Rector-st. The defendant proved that he accidentally pushed up against the plaintiff who immediately turned about and struck him with a cane. The Jury found a verdict of "Not Guilty."

Isaiah Glover was called up for trial, charged with defrauding a lately returned Californian by selling him a spurious ticket for passage to the far west. The case was not concluded when the Court arose.

COURT CALENDAR—THIS DAY.

SUPERIOR COURT—Nos. 205, 237, 146, 250, 114, 274, 125, 134, 310, 311, 312, 313, 228, 314, 315, 316, 317, 319, 320, 321 to 333, 338, 337, 339, 340, 341, 48, 49, 50.

COURT COURT—Nos. 1, 174, 117, 430, 329, 346, 282, 283, 284, 285, 286, 287, 434, 436, 437, 438, 439, 441, 442, 444, 343.

COMMON PLEAS—Part I.—Nos. 403, 368, 488, 489, 492, 493, 494, 495, 496, 498, 499, 500, 501, 502, 11. Part II.—484, 485, 505, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 518.

UNITED STATES DISTRICT COURT—Nos. 25, 35, 37, 41, 38, 39, 41, 42, 44, 45.

MARRIED.

McELROY—CLARKSON—On Monday, 10th inst., in Troy, by the Rev. F. Heely, D. D., Mr. John McElroy of New-York City, to Miss Mary Ann Clarkson of the former place.

MERRITT—FOX—On Third day, 11th inst., in the order of the Society of Friends, at Springfield, near West Farms, Benjamin Merritt of this City, to Eliza L., daughter of George S. Fox of the former place.

DIED.

BELL—On Monday evening, after a short illness, aged 48 years, Benjamin Bell.

The friends of the family are respectfully invited to attend his funeral, from his late residence, No. 110 Canal-st., this afternoon