LAW INTELLIGENCE.

UNITED STATES CIRCUIT COURT.—JULY 25.—Before Chief-Justice NELSON.

OPINIONS ON APPEAL.

The Steamer Sunbeam and her cargo agt. The United States.

NELSON, C. J.—This steamer was captured in the act of entering the port of Wilmington, N. C., a blockaded port, on the morning of the 21st September, 1862, by the United States steamer State of Georgia. She belonged to Laforce, merchant of Liverpool, and British subject, who was also owner of the cargo, except eighteen bales of merchandise, worsted stuffs, belonging to J. Greenwood of Bradford, York County, England, manufacturer of the article. The cargo of Laforce consisted of powder, lead, arms, boots, shoes, &c., and was put on board at Liverpool in August, 1862. The bales of worsted stuffs at the same time and place through agents of the manufacturer and owner. The ostensible destination of the vessel was Matamoras, Mexico. She started on her voyage from Liverpool on the 6th August, reached Halifax on the 5th September, and left that place for Matamoras on the 14th of the month, and on the 20th was captured, as already stated, entering the port of Wilmington.

The pretext set up for the deviation and entrance of this port is the disabled condition of the vessel, from a storm encountered on the voyage on the 10th September, eight days before the capture. Without going over the evidence, we deem it sufficient to say that this storm and its effects upon the vessel are greatly exaggerated, and do not furnish a satisfactory excuse for her position at the time of the capture. There are also many facts and circumstances in the case leading strongly to the conclusion that the voyage to Matamoras was simulated, and the original destination to one of the ports of the Confederate States.

It has been strongly argued that the owner of the cargo, consisting of worsted stuffs, was ignorant and innocent of the fault of the master; that he was not the agent of this part of the cargo, which was shipped in the usual way, with a separate and distinct bill of lading, invoice, &c., and should not be held responsible for the deviation of the ship into a blockaded port.

We are facilitated to think upon a full consideration of the evidence bearing upon this part of the case, that in point of fact this was an innocent shipment, and that neither the owner nor any of his agents were implicated in the fault of the vessel. But the general rule seems to be that in cases of a blockade, the deviation of the vessel into the blockaded port is presumed to be in the service of the cargo, and the owner bound by it, except in the absence of notice of the blockade at the time the vessel sailed. The vessel sailed in this case from Liverpool on the 6th of August, 1862, some months over a year after the establishment of the blockade of the ports of the State of North Carolina. The fact was well known in Liverpool, and, indeed, in all England at the time the ship sailed.

Decree below affirmed.

The ship Alliance and cargo agt. The United States.

Nelson, C. J.—The capture of the Alliance in this case was on the 2nd May, 1862 off mouth of the creek of Moorehead City, opposite Beaufort, N. C., by the United States troops, and subsequently delivered to Commander Lockwood. She is a vessel of over 100 tons burden, and was built in Portsmouth, Maine, some twelve or more years ago, and owned by Frazer and others of Charleston, S. C., down to February, 1861, when she was purchased in Liverpool by J. R. Armstrong and H. Gerard, British citizens of that city. S. D. Forest, an American citizen, was master. He was appointed by the owners at Liverpool, and then took possession of her. Her last voyage was from St. John, N. B., to Beaufort, N. C. She left this place in August, 1861, with an assorted cargo, and arrived at Beaufort 2d same month.

There were in blockading vessels at the port when she entered, and she arrived the several days afterward. Her cargo was then discharged, and another put on board, consisting of rosin, pitch, and spirits turpentine. She had no armament on board on her voyage to Beaufort, no cargo contraband of war. She was laden with full cargo about the 14th September, and remained in port waiting for the removal of the blockade from that period until the 2d May, 1862, when she was captured by the troops that took Fort Macon and the town of Beaufort. She was bound from Beaufort to Liverpool with her cargo on board at the time of capture.

The above, we think, is the fair weight of the proofs in the case entitled to credit. Some of the facts are sought to be impeached by the testimony of two of the seamen, Stevens and Thompson—one of them an Italian, unable to speak or understand English, and both had been discharged from the Alliance while lying at Beaufort, one of them as early as February previous to the capture, and were not of the crew at the time of, or on board the vessel. Why these witnesses were selected, and examined *in preparatorio*, in the place of some of the crew on board at the time of the capture, and there was in number eleven, has not been explained. It is a great irregularity, which cannot be overlooked or disregarded in a consideration of the proofs.

The examination should have been confined to persons on board at the time of the capture, unless upon special permission of the Court first obtained.

I am satisfied, upon a very full consideration of the proofs, that there was no actual blockade of the port of Beaufort at the time of the entry therein of the Alliance; nor, further, that no intention existed on the part of her master, after such entry and the establishment of the blockade, to break it, or any act done by him with such intent while the vessel remained in the harbor and previous to her capture.

I think, also, that the vessel belonged to British owners bona fide, and even before the breaking out of hostilities. But I am not entirely satisfied that the goods on board the vessel at the time of capture were the property of British owners, as claimed, and, upon this ground, shall send the case for further proofs on this point to be presented at the next term of the court in the southern district of New-York, and as the claim of property in the vessel and cargo is made on behalf of the same party, or one of the same parties, further proofs may be taken as to the proprietary interest in the vessel as well as cargo by either or both the parties to the suit.

The steamer Memphis and her tackle and cargo agt. The United States.

Nelson, C. J.—The steamer Memphis was captured on the 21st of July, 1862, by the United States ship-of-war Magnolia, William Budd commander, in lat. 33 deg. 50 min. and lon. 76 deg. 19 min. west, being about eighty miles to the westward of Charleston, South Carolina. The Memphis is an iron screw steamer of 791 tons burden by the register, Donald Cruckshank master. She is a British vessel, and the cargo belonged to British subjects. The voyage was in fact from Liverpool, England, to Nassau, and thence to Charleston, South Carolina, having left Liverpool 10th May, and Nassau the 19th of June, 1862, passing the United States blockading squadron, and entering Charleston 23d same month. The cargo landed in Charleston consisted of 50 tons of gunpowder, a large quantity of rifles and muskets, and general merchandise. She took on board for her return voyage, at Charleston, some 1,300 bales of cotton, and 500 casks of rosin, which constituted the cargo at the time of capture.

Mr. Andrew, a part owner of the cargo on board from Liverpool, says it consisted of about 4,000 stand of arms and 900 barrels of powder; and when captured, 1,000 bales of cotton and 400 casks rosin.

The proofs are full to show that the master, and Andrew, the owner of the cargo on board, knew of the blockade of Charleston at the time the vessel started for that port from Nassau, and intended to run it; and also, when she left Charleston on her voyage home. They are too full and decisive of the criminal intent to call for any extended examination of them.

Decree below affirmed.

The Schooner Algiburgh and cargo agt. The United States.

NELSON, C. J.—The vessel in this case was captured at sea, off the coast of Florida, Fernandina, August 31, 1861, by the Jamestown, a vessel of war. The Algiburgh was on a voyage from Matanzas, Cuba, to St. John, N. B., with a cargo of molasses. She left the port of Newbern in July, with a cargo of rice for Matanzas. At the time of egress the port was not actually blockaded.

The vessel and cargo belonged to C. Granby at the time of capture, a British subject, but resident and doing business in Charleston, S. C. The court below condemned both vessel and cargo as enemy's property, and acquitted the vessel on charge of breaking blockade.

We concur in this decree.

Decree of court below affirmed.

The Ship Cheshire and Cargo agt. the United States.

NELSON, C. J.—This vessel was captured off the port of Savannah, Ga., on the 9th December, 1861, by the steamer Augusta, one of the blockading vessels. She was on a voyage from Liverpool to Nassau, N. P., with directions from the shipper of the cargo, and agent and owner of vessel and cargo, to call at the port of Savannah, and inquire if the blockade had been removed. The vessel sailed from Liverpool on the 10th of October, 1861, with a cargo of coffee, salt, tin, blankets, &c. She was owned by Joseph Battersby, and the cargo by him and his brother, William, both merchants of Manchester, England, and British subjects. The firm had an agency at Savannah, Ga., where they had carried on business several years.

The vessel had been purchased of a house at Savannah the previous Winter, by J. Battersby, and carried a cargo from Liverpool to Savannah and back, leaving the port of Savannah, May 1, 1861. It is quite apparent, from the testimony in the case, that all parties concerned in the present shipment were aware of the blockade of the port of Savannah at the time the vessel left Liverpool, 10th October, 1861, and unless the right to call at a blockaded port and inquire there for the purpose of ascertaining if the blockade be still in force, the condemnation of vessel and cargo is unavoidable. We agree, as no official notice was given of the blockade to England, the condemnation in this case must be upheld, if at all, on the footing of the violation of a blockade *de facto*, in which case the master may be justified in making the inquiry at the port. If the owners and master were ignorant of its existence at the time the vessel sailed from Liverpool.

This principle, we think, is well settled. But the difficulty lies in the fact that all the parties concerned were fully advised of the existence of the blockade, and no ground or reason is furnished for a belief that it had ceased. If the master, under the facts and circumstances of this case, could be justified in making the inquiry, he would be in any imaginable case. We lay aside the testimony of the boy Thornton as unworthy of credit, and see no ground for the condemnation of the vessel or cargo as enemies' property. But within the case of the Hiawatha, in the Supreme Court, the decree below is correct on the ground of an attempt to violate the blockade of the port of Savannah.

Decree below affirmed.

The ship Gordon and cargo agt. The United States.

NELSON, C. J.—This vessel was captured at Beaufort, N. C., 2d May, 1862, at the same time with the ship Alliance, already considered, and the decision turns very much on the principles involved in that case.

The voyage commenced in July, 1861, at Liverpool, with a cargo of salt and pig-iron for the port of Nassau, or any port of the United States, and back to Liverpool. She arrived at Beaufort 27th August following, and discharged her cargo. There was no actual blockade of that port at the time, nor until several days afterward. She commenced taking in her homeward cargo 1st September, and completed her loading on the 14th. It consisted of rosin and spirits of turpentine. In the meantime a blockade of the port had been established, and the vessel remained in port waiting for its removal, till captured.

There is no evidence of any intention to break the blockade by the master or any act done by him with such intent.

The vessel is claimed by J. R. Armstrong and H. Gerard, residents and merchants of Liverpool, British subjects. The claim is put in by the master, in behalf of his owners. The cargo is claimed by one of these partners, J. R. Armstrong. The British register of 11th February, 1861, is in the names of the above parties. The documentary proofs of property of cargo show it in J. R. Armstrong.

We shall give the same directions in this case as in the case of the ship and cargo Alliance. Order for further proofs as to property of the vessel and cargo at the time of capture.

The Bark Winnefred and cargo agt. The United States.

NELSON, C. J.—The vessel in this case was captured on the 25th of May, 1861, off Cape Henry, by the Quaker City. She belonged at the time to citizens of Virginia and residents of Richmond. Three-eighths of the cargo, coffee from Rio Janiero, belonged to the house of J. L. Phipps & Co. of New-York, British subjects. The other five-eighths belonged to the owners of the vessel, but was claimed by the house of Phipps & Co. for a heavy advance made at Rio on the 20th of April preceding the capture.

The advance was made in the usual way upon the property shipped, and a lien undoubtedly attached to the interest of the owners of the five-eighths, and would have entitled Phipps & Co. to reimbursement out of the proceeds. But it does not appear that there was any special arrangement at the time of the advance by which a special interest in the coffee was acquired beyond the usual reimbursement. The claimant was offered an opportunity for further proofs on this point, which was not accepted. We concur, therefore, in the decree below against the vessel and portion of the cargo condemned.

Decree affirmed.

Schooner Mersey and Cargo agt. the United States.

NELSON, C. J.—This vessel and cargo were captured on the 20th April, 1861, in the Gulf Stream, about one hundred miles from land, and two days out from Nassau, N. P., on a voyage from the latter place to Baltimore and back. Her cargo, which was put on board at Nassau, consisted of salt, coffee, soap, merchandise, &c. The vessel is owned by Roberts, a merchant and resident of Nassau, and British subject; her cargo by Sawyer and Menendez of the same place, the one a British subject and the other Spanish. According to the evidence, the vessel was in her proper course, pursuing her voyage to Baltimore, and without any intent to run the blockade of any of the Confederate ports.

She seems to have been convicted on suspicion from plans as evidence, and report that she had run the blockade of Charleston on her previous voyage; and further, that she was still the property of a citizen and resident of some of the Southern States. We are not satisfied that these facts, or any of them, have been established by competent proof. The cargo, it is admitted, belongs to British and Spanish subjects.

Much stress is laid upon a mutilation of the log-book, which is fully explained by the further evidence of the mate and steward.

Decree below reversed.

The Schr. Lynchburg agt. The United States.

NELSON, C. J.—There is no dispute in this case but the vessel belongs to citizens of Virginia and residents of Richmond; and, also a portion of the cargo, which consisted of coffee (2,645 bags), are claimed by Brown Brothers & Co. of New-York, citizens of a loyal State; 1,541 bags were restored to them and the residue has been condemned. We wish to hear a further argument upon the point involving the proprietary interest of the residue of 2,645 bags of coffee over the 1,541, claimed by Brown Brothers & Co., and either parts may produce further proof upon it.

The decree below affirmed as to the vessel and cargo, except the residue of the 2,645 bags of coffee after the restoration of the 1,541 bags.

The Schooner Prince Leopold and Cargo agt. the United States.

NELSON, C. J.—This vessel was captured in the port of New-York, on the 21st of August, 1861, by Government officers. She was laden at the port of Newbern, N. C., with spirits of turpentine, and left that port the 23d of July, 1861. There was no actual blockade of Newbern at the time. The vessel belonged to H. A. McIlvoy, a British subject, but resident in Charleston, S. C., at the time of capture, and the cargo to A. Wade, a resident of Newbern and citizen of North Carolina. The vessel and cargo were condemned as enemies' property in the court below, but acquitted on charge of breaking the blockade.

Upon the decision of the cases recently decided in the Supreme Court of the United States, the decree must be affirmed.

The Bark Pioneer and Cargo agt. the United States.

NELSON, C. J.—The vessel and cargo in this case were captured off Cape Henry by the steamer Quaker City on the 20th May, 1861. Both vessel and cargo belonged to Devose & Co., Richmond, Va., and according to the ruling in the case of the Hiawatha, they were subject to condemnation as enemy's property. Decree below approved.

The Ship North Carolina her Tackle, &c., agt. the United States.

NELSON, C. J.—This vessel was captured off Cape Henry on the 14th of May, 1861, by the steamer Quaker City. The owners were citizens and residents of the State of Virginia at the time. She has been condemned as enemy's property.

Decree below affirmed.

UNITED STATES DISTRICT COURT—July 25—Before Judge BETTS.

DISCHARGED FROM CUSTODY.

John Krebs and John Krebs, jr., were discharged from custody this morning.

It appears that the younger Krebs was a deserter from the United States army, and his father obstructed the Provost-Marshal when he attempted to arrest the son, for which offence he was arrested on the warrant of Commissioner Stilwell.

On the hearing it was shown that Krebs, jr., was under 18 years of age, and had enlisted without his father's consent. Krebs, sen., agreed to give up the boy if the proceedings against himself were suspended. This course was adopted, and the boy delivered up, and he was immediately discharged by Judge Betts, a writ of habeas corpus having been obtained for that purpose.

UNITED STATES DISTRICT COURT—JULY 27.—Before Judge BETTS.

ANOTHER PRIZE.

United States agt. the steamship Emma.

E. Delafield Smith, esq., U. S. District-Attorney, filed a libel against the vessel, captured on the 24th of July, on the voyage from Wilmington, N. C., to Bermuda, by the U. S. steam transport Argyle, Capt. Gadsden. She is a large side-wheel steamer, and had a cargo of cotton, turpentine, and rosin.

LIBEL FOR CONFISCATION.

United States agt. the brig Wappoo.

E. Delafield Smith, esq., U. S. District-Attorney, filed a libel against the above-named, praying for the confiscation of one-eleventh part of her, alleged to be owned by George Alison, of Charleston, S. C., under the act of Congress of July 13, 1861.

UNITED STATES MARSHAL'S OFFICE—JULY 25.—Before Marshal MURRAY.

SENT TO FORT LAFAYETTE.

James Gordon and R. H. Hooper were sent to Fort Lafayette. They were captured running the blockade off Newburn, North Carolina.

UNITED STATES MARSHAL'S OFFICE—JULY 27.

Before Marshal MURRAY.

A BATCH OF BLOCKADE RUNNERS.

The chief and second officers, chief, second and third engineers and steward, with 26 of the crew of the screw propeller Emma, captured running the blockade between Wilmington and Bermuda, were brought before the Marshal and by him sent to the house of detention.

SUPREME COURT—CHAMBERS—JULY 27.—Before Justice BARNARD.

DECISIONS.

Williams agt. Hernon.—Motion granted on payment of $10 costs of opposing motion and all costs in the action since June 30, 1861. Otherwise decied, with $10 costs.

Gertrude Northrup agt. Calvin M. Northrup.—Defendant's application that his answer stand cannot be heard on this motion. Motion for a reference must be granted, with $10 costs. Proceedings before the Referee to be stayed until the first Monday of September, to give defendant an opportunity to move for leave to put his answer stand; provided the defendant give notice of such motion within ten days after service of this order. Reference to near end determine.

James McFadden agt. Ellen McFadden.—No proofs as to the issue of the marriage.—Referred back to the referee, to take proof on that point.

Christian Smith agt. Mary Smith.—Report confirmed, and judgment of divorce granted.

Farrel agt. Ff ff.—Motion granted.

Mills agt. Brooks.—Motion granted, on defendant's paying $20 trial fee and $10 costs of opposing motion. Judgment and levy, if any, to a and as security. If the costs are not paid, then motion denied; $10 costs.

Campbell agt. Campbell.—Alimony, $3 per week, to begin at the commencement of the suit; a counsel fee of $20 allowed.

Wilson agt. Latting.—Ordered that the personal representative of the plaintiff file a supplemental complaint of revivor within 30 days from the service of this order, or in default thereof, that the complaint be dismissed, with costs; no costs of this motion.

Kendal agt. Geer.—Motion granted as to defendant Gilbert Geer, on paying $20 trial fee, $10 costs of opposing motion, and on stipulating to refer the case to a Referee to be appointed by the Court, in case the plaintiff desires a reference. Motion granted as to defendant Erastus Geer on the same conditions. If the conditions are not complied with, motion denied, with $10 costs against each defendant.

Morland agt. Brown.—Motion denied on plaintiff stipulating to admit the growing and posting of the notice of sale; the sale at auction; the price on right; the loan of the $200 and $30 to Weaver; that the demand on the part of the plaintiff was made by Finch, who did not offer to pay either the $100 or $150, but who was informed by defendant that if plaintiff would pay the $150, he would deliver the watch. Otherwise granted.

Shaw agt. Wright et al.; Albert Comstock agt. Peter Russe et al., Aakhson agt. Hime et al.—Motions denied.

Payel agt. Stoneworth.—I think the motion to set aside the judgment and execution must be made in Jefferson County, where the action is triable. (Code, Sec. 40.) For this reason only I deny this motion, without considering the merits.

In the matter of James Harrison, lunatic, order granted.

Tyler agt. Van Loan, et al.; motion denied; $10 costs to abide event.

Phillipine Shaw agt. George W. Shaw, judgment of divorce granted.

SUPERIOR COURT—SPECIAL TERM—JULY 27.—Before Justice ROBERTSON.

DECISIONS.

Charles Burnett agt. James C. Jewett and Joseph B. Crockett; Edward Lupton agt. the same. The motion must be denied in each case with $10 costs. The opinion with Clerk of Chambers.

John H. Blute agt. William Runn. See memoranda. Decision with Clerk at Chambers.

Arrival of the Damascus.

ST. JOHN'S, N. F., Saturday, July 25, 1863.

The steamer Damascus, from Liverpool, passed Cape Race on Saturday morning en route to New York. All were well on board of her. Her advices are anticipated.

Later From Japan.

SAN FRANCISCO, Saturday, July 25, 1863.

Dates are received from Yokatama, Japan, to the 26th of May.

A rumor prevailed there that the troubles between England and Japan were arranged so as to be settled without war, but there appeared to be no good authority for it.

The house of the American Minister had been burned at Yedo, but whether accidentally or otherwise is not stated.

A Russian Gentleman Robbed.

BOSTON, Monday, July 27, 1863.

A Russian gentleman named John Werner who came to America to travel for his health a few weeks since, was robbed by his interpreter, name Charles Hoelen, a Belgian, of 800 five franc pieces, who decamped. A reward of $150 is offered for his apprehension.

Important Railroad Connection.

SARATOGA, N. Y., Saturday, July 25, 1863.

A meeting of the Committee of the Rome, Watertown and Ogdensburgh Railroad, with a corresponding Committee of a new road projected between Rome and Oswego, was held here on Friday last, when it was agreed that the latter road should be constructed immediately, and the former company run it in connection with their own. This forms an important link in the chain of roads in that portion of the State.

CITY ITEMS.

REPORTS CALLED FOR.—The Inspectors of the Police Department have ordered the Captains of the Police to render reports of the facts and incidents growing out of the late riots in the Precincts they represent. These various reports will be examined by the heads of the Police Department of this city, and an abstract will be published for the benefit of the community.

A SAVAGE WOMAN.—On Saturday night four policemen who were on duty in the neighborhood of Avenue A and Twentieth street were attacked by an Irish woman who came out of a tenement house in the vicinity, clawing at and striking one of the officers, and declaring that he had killed her husband in the late riot. Her swearing and howling soon collected a crowd of two or three hundred persons, when the police slowly retired to a place of safety. No arrests were made.

AN ALLEGED RUFFIAN ARRESTED.—The man who is charged with striking down and robbing a cattle dealer on the first day of the riot was arrested and taken to the Tombs yesterday afternoon.

THE SUFFERINGS OF THE WOUNDED RIOTERS.—The reports of parties familiar with the facts go to prove that the rioters received a terrible flagellation at the time of the late outbreak in this city. Not a tithe of the victims found their way to the hospitals for medical and surgical treatment. Many of them were killed and carried away secretly in crates and boxes, and buried in the country. Large numbers of the wounded are suffering at home, afraid to have the facts stated that they received a part of their just punishment while participating in the recent riot. Broken heads, scratched and bruised faces, bayonet and gunshot wounds, in certain neighborhoods, show how sure and vigorous were the blows that put down the riot. Some of the victims who were slightly wounded begin to show themselves in the street, and the reader cannot fail to notice the unusual number of men and boys with their arms in slings, their eyes black and bloodshot, their faces cut and spotted with plasters, their heads done up in bandages. Some will be cripples for life, some insane, some idiotic, and some will soon go to their long home in the church-yard. Just now there is a vast deal of suffering among these rioters. They meet with no sympathy from decent people. No public meetings are called to raise funds for their benefit. They tremble at every footfall on the stair, thinking that some representative of justice is after them; and if they have a spark of conscience left unquenched in their bosoms, the reflection that they wantonly destroyed the property of unoffending citizens, and wickedly imbrued their hands in the blood of innocence, must add to their sufferings. Were they well enough to be arrested, no matter how plain their guilt, some city official might listen to their rescue, and afford them momentary consolation. Had they suffered in a just cause, the clergy would not have denied to them the consolations of the afflicted while they live, and the rites of Christian burial after their decease. Those who were mainly instrumental in instigating the riot—those who unchained the tiger—do not approach these battered, bleeding, mutilated beings. They offer no word of cheer, they present no anesthetic for their pains, but leave them to languish unattended, and to die unlamented.

THE DRAFT IN THE CITY—IVTH DISTRICT, N. Y.—The final preparations for the draft for the IVth Congressional District of New-York were completed last evening, by Joel B. Erhardt, Captain and Provost-Marshal. The IVth District is the largest in New-York, and comprises the First, Second, Third, Fourth, Fifth, Sixth, and Eighth Wards. The whole number enrolled in the District is 41,625, of which 1,671 are persons of color. This includes the first and second class. As the draft will be made from the first class, we give the number of the first class enrolled, as follows: 39,954 white and 838 colored. Three copies of the enrollment sheets have been made out—one of which has been sent to the Provost-Marshal-General at Washington, one to the A. A. Provost-Marshal-General at New-York, and one retained by Capt. Erhardt. From this last copy the names of the enrolled have been copied upon white pasteboard cards, about three inches in length and one in breadth, and, having been compared with the sheets, have been deposited in boxes, each ward or sub-district in a separate box. Each box was sealed yesterday, by the Commissioner, in the presence of the Board of Enrollment. Everything being now in readiness for the wheel, all that is wanted is the order from Washington to set the wheel in motion.

We may here remark that with the exception of sending a copy of the enrollment sheets to Governors Island, when the riot first broke out, nothing has interrupted the progress of the Engrossing Clerks in Captain Erhardt's office. The Captain anticipated an attack on his office as one of the probabilities during the reign of terror, but as early as Monday night he had his arrangements made accordingly, and few were aware that his office was as strongly fortified against the defiant mob as New-York furnished on the occasion. But as long as the mob did not see fit to test the invincibility of the Captain's stronghold, he kept on the even tenor of his way. The work has been completed in the most thorough and correct manner, his enrollment sheets have been compared with the other districts of the city, and not a single name on his sheets have been duplicated, or the name of a resident of any but his own district enrolled thereon. The Commissioner, Mr. McFarland, and the Recorder of the Board, Capt. George Tuthill, watched the progress of the enrollment and rendered Capt. Erhardt their valuable aid.

FATAL ACCIDENT TO A CATHOLIC PRIEST.—Coroner Wilsey held an inquest at No. 102 East Fortieth street, over the remains of the Rev. Francis J. Herbert, a Catholic priest, who died from the effects of injuries received on the 20th instant, by falling down a ledge of rocks at the foot of East Fortieth street. The deceased was of intemperate habits, and at intervals seemed to be in a demented condition, so much so that boys would hoot at and annoy him in various ways. Just previous to the sad occurrence deceased stood on the bank of the river, when some vicious boys commenced pelting him with stones, whereupon he picked up a stone to defend himself, and ran after his tormentors. Proceeding further than he intended, he lost his balance and fell among some sharp craggy rocks, a distance of nearly fifteen feet, striking on his back and side, and sustaining internal injuries. He was soon taken up and removed to a chanty near by, where he remained three days without medical attendance. A physician being finally called, Mr. Herbert, on examination, was found to be fatally injured. He died on Saturday. Deceased was forty years of age, and a native of Toronto, Lower Canada.

THE CITY JUDGE AND HIS WRITS OF HABEAS CORPUS.—Matters between the City Judge and the Sheriff still remain in statu quo, the latter peremptorily refusing to execute the "attachments" issued by the former against General Canby for disobeying a writ of habeas corpus. We heard yesterday that Mr. Sutton, Warden of the City Prison, has determined to pay no more attention to the City Judge's favorite writ, his lawyers advising him that said Judge has no power to issue such writs. Apropos of this subject, a man named John Riley, committed to prison by Justice Kelly in default of $5,000 bail for rioting, burglary and robbery on the Eighth avenue, was a few days ago brought before the City Judge on a writ of habeas corpus and a motion made to reduce the bail, which the Assistant-District Attorney strongly opposed on the ground that the evidence against the accused was overpowering. Mr. Blunt heard the City Judge remand the accused, but it now appears that instead of sending him again to prison, he placed him in charge of an officer, which is tantamount to giving a prisoner the freedom of the city. Yesterday morning, Assistant-District Attorney Vanderpool found the paper with an indorsement thereon that Riley was placed in the custody of an officer at the request of Assistant-District Attorney Blunt, which Mr. Blunt denies. Upon inquiry for the prisoner, however, it was discovered that he had escaped. He is now probably beyond the reach of the New-York police.

BOARD OF COUNCILMEN.—A special meeting of the Board of Councilmen was held on Monday afternoon at 2 o'clock p. m., Morgan Jones, esq., President, in the chair. A large amount of routine business was transacted. A resolution of thanks was introduced by the President to Gen. Daniel E. Sickles, for his bravery as a soldier and conduct as an officer, and that he be presented with a gold medal, with a proper inscription. The resolution was laid over. The Street Commissioner was directed to cause the removal from the streets and parks of the city of all artillery and cavalry stationed therein at the present time. The Board adjourned to the second Monday in September at 4 o'clock p. m.

THE MURDER OF THE NEGRO FRANKLIN—ANOTHER OF THE ALLEGE PARTICIPANTS IN CUSTODY.—Roundsmen Gunner and Roberts of the Twenty-ninth Precinct, who have been so active in arresting the villains engaged in the murder and subsequent hanging of the colored man Abraham Franklin, at the corner of Twenty-eighth street and Seventh Avenue, during the late riots, took another man into custody on Sunday, charged with being a principal in the murder of Franklin. The prisoner's name is George Glass; he is an Irish laborer, 33 years of age, and lives in West Twenty-seventh street. The witness against Glass is Martin Vreeland, residing on the north-west corner of Twenty-seventh street and Seventh Avenue. He makes affidavit that on the afternoon of the murder he saw Glass enter Franklin's apartment, and soon after bring him out, followed by the mob. The rioters beat and kicked the unfortunate negro for nearly a block, and at the corner of Twenty-eighth street and Seventh avenue hung him. At the same time the buildings occupied by the colored people were repeatedly set on fire, but the firemen, in all cases, succeeded in extinguishing the flames. Vreeland further states, that, while they were murdering Franklin, Glass cried out, "Hang the d—d nigger." The witness has been acquainted with Glass for 16 years, and fully identified him as the man who brought Franklin from the house and delivered him up to the mob. Although the prisoner stoutly denies his guilt, he was taken before Justice Kelly and locked up for trial without bail.

We are informed that as Fernando Wood was passing through Theater Alley about noon yesterday, a bucket of dirty water was thrown upon him by an individual, who said, "Take that, old Copperhead."

THE MOSES TAYLOR.—The reported capture of the steamship Moses Taylor is contradicted by her agent here. She was to have left San Francisco on the 23d inst., for Nicaragua.

LAUNCH.—Will be launched from the ship-yard of Mr. J. Simonson, near the Eleventh street ferry, Greenpoint, on Wednesday, the 29th, at 7:15 a. m., the side-wheel steamer Commodore, built for C. Vanderbilt, esq. Her dimensions are as follows: length on deck, 273 feet; breadth of beam, 39 feet; depth of hold, 27½ feet, and about 2,200 tuns. Her engines are being constructed at the Allaire Works.

BOARD OF ALDERMEN.—In pursuance of a call signed by a like members of this Board except Mr. Fremont who in spite thereof a special meeting was held yesterday afternoon, President Walsh in the chair. After some routine business, a message was received from the Mayor, vetoing the $2,500,000 ordinance, which passed both Boards of the Common Council on the 16th instant, to equalize the burden of the Conscription act, and to encourage volunteering.

The Mayor objects to the bill on the ground that its provisions are exceedingly vague, that it does not specify what portion of the drafted men are to receive the $300, that under the ordinance, the rich as well as the poor can claim, and the unmarried having no one dependent upon them for support, as well as the married. He believes it to be a violation of the Charter, and refers to a decision made by the highest Court in Maine against appropriations in similar cases on the ground that such appropriations unlike the law of Congress which was designed to procure able men and money. He holds that it was prompted only by the mob, as the Common Council have had above two days in which to remedy the inequality which they consider the ordinance embodies. He argues the question at length and concludes by showing that the opposition to the draft is the exciting effect of the Sermons in Brass. After a page or two of the document had been read, Mr. Masterson moved that the further reading be dispensed with and that it take the usual course. (The message may be found in the official proceedings in another column.)

A resolution requesting the Controller to inform the Board of what bonds he had issued, with the particulars of their sale, was offered by Mr. Hardy. Mr. Farley moved to refer it to the Committee on Finance, to which Mr. Hardy objected, remarking that the Controller had been accused by the President of favoritism in the disposition of the public bonds, which accusation he believed to be false; nevertheless he understood that it had affected many leading men in Wall street, who would have nothing to do with the city scrip. The Controller could best explain the matter, and put a stop to the effort that was being made to destroy the credit of the city by certain parties. Mr. Farley then withdrew his motion, and the resolution was adopted. The ordinance creating a Bureau of Licenses having been called up, Mr. Hardy made a severe attack upon it, saying that it was merely an attempt to establish a pension office for crossed politicians. The question on its adoption was lost, as was also the motion to reconsider, which completely disposes the matter. A series of resolutions, appropriating $20,000 for the purpose of rebuilding the Colored Orphan Asylum, and pledging the faith of the city for the payment of the money, in order that the Trustees might commence operations immediately, was adopted. After further routine business, the Board adjourned until Monday next.

THE RELIEF FUND FOR COLORED SUFFERERS BY THE RIOT.—Additional subscriptions to the fund for the relief of those colored persons who suffered by the late riot:

Third Congregational Unitarian Society, by O. W. Bird, $113 73; Church of the Saviour, Fleetpoint street, Brooklyn, by E. H. R. Lyman, $(72 55); W. C. Booth, $50; William Bowne, $100; H. D. Ararich, $100. Collected by Samuel Willetts—From Samuel J. Underhill, Jericho, L. I., $5; from John Willetts, Jericho, L. I., $10; from John Ketcham, Jericho, L. I., $2; from Gideon Frost, Cedar Swamp, $5; from Cash, $1; from Cash, $1; from Stephen Robbins, Jericho, $2; from Joseph Post, Westbury, $5; from Isaac Hicks Westbury, $5; from Stephen R. Hicks, Westbury, $5; from Wm. S. Cocks, Westbury, $10; from Joseph Hicks, Westbury, $10. Joshua Atkins & Co., $20; J. E. W., $5; Allensstreet Presbyterian Church, by William C. Bradley, $44; Edward Simpson, $20; George A. Jarvis, $25; W. J. Rossiter, N. Y., $10; Invisible Friend, $5; Cash, Springfield, Mass., $5; Easton & Co., $200; W. H. Farmer, $5. Total, $[illegible] 25. Previously acknowledged, $20,312 36. Total to date, $20,334 61.

New-York, July 27, 1863. JON. STUROES, Treas.

The Merchants' Committee Depot for the relief of the suffering colored people, at No. 350 Fourth street, was attended yesterday by about 1,500 colored men, 775 of whom received some of money varying from $1 to $5. The amount disbursed was $2,500. Dr. Vincent Collyer is Chief Clerk; L. S. Hobbs, esq., is Cashier and Disbursing Clerk. A staff of ten young men receive the applicants for relief, and write out the certificates. A set of books is carefully kept, containing the name, residence, occupation, number of members in the family, and the value of the property lost in consequence of the riot, of each recipient of the aid so generously given by our merchants.

BULL'S HEAD, *Monday*, July 27.—The great market place for beef cattle, in Forth avenue and Forty-fifth street, was very full of bullocks this morning, and a very large proportion of them are thin grass steers, only at for grazing, yet nearly all will be sold for beef, and a very large portion of them at rates equal to about 9c. lb. for the beef, reckoning sinking offs. The number that are good enough to sell at 10@10½c. lb. is small, and consequently the demand for that class is much better than for the cheaper sort, which is so plenty that all cannot be sold to-day, and owners will be lucky if all are cleared out to-morrow. We think the average price is full half a cent a pound less than last week, and if the close of the market is very hard, it will be still worse than that. A great many thin steers have sold to-day, at prices estimated not over 5@6c. lb. net, and a good many at still lower rates. As the market is reported a very dull one, of course the estimation of weight is against the driver. We find 4,400 head entered upon the market books, about 300 of which were sold Friday and Saturday, and the balance must be sold to-day and to-morrow, or go worse by sending over till next week. The weather to-day and for the two days previous has been the warmest of the Summer, and has had some effect upon business as no cheers are not disposed to purchase any supplies beyond immediate want. Owing to the heat and the want of comfortable accommodations, the trade was very lively early in the morning, but after that was remarkably slow, and lots of droves were sold at low figures. The Sheep market opened on Sixth street this morning with a moderate supply of old sheep, and full supply of lambs, which sold at about ½c lb lower for sheep, the top price being under 5c. lb., and lambs about 50c. ⅌ head lower than last Monday. The Hog market has been only moderately supplied for several days, and notwithstanding the heat, the stock sold off fairly this morning at 8½@9c ⅌ lb. gross, or 9@9½c ⅌ lb. net.

SHOP GIRLS INDUCED TO STEAL.—Capt. Jourdon of the State Ward, learning that John Levy, a German, was selling sewing silk about the streets far below its actual value, suspected something wrong, and caused his street by Officers Woodbridge and Moriarty. Levy, on being questioned, said he obtained the silk from Marcus Lehman, No. 50 King street, and Lehman stated that he bought the silk from Wolf Wolfheimer of No. 59 Ridge street, who bought it from Frances Forty, Rosa Peters, and Mary Cute, employed in the tassel and fringe manufactory of John Heppner, No. 36 Walker street. All the parties were arrested, when two of the girls confessed that they had taken about four spools of silk daily for several weeks past; that they were prompted to purloin the silk from their employer by Wolfheimer, who gave them a shilling for each spool, which was worth a dollar. Levy and Lehman were discharged, as there seemed no evidence to hold them, but Wolfheimer and the girls were detained for examination before Justice Dowling.

CHARGE OF RECEIVING STOLEN PROPERTY.—Officer Irving, of the Twentieth precinct, arrested Mrs. Sarah Hill, keeper of a second hand clothing store at No. 204 Tenth avenue, charged with receiving stolen goods, knowing the same to have been stolen. On the 8th inst., the boot and shoe store of Mr. John Henderson, No. 583 Eighth avenue, was entered by burglars and robbed of a large quantity of goods. Two well known thieves were subsequently arrested by officer Irving, found guilty, and sentenced to State Prison. Information was afterward received which led the officer to search Mrs. Hill's house, and shoes were found in her place which Mr. Henderson identified as belonging to him. Justice Quackenbush held the accused to bail to answer the charge.

DISHONEST DOMESTIC.—Mary Sheehan, an Irish girl 21 years of age, was arrested by Roundsman Rogers of the Seventh Precinct, charged with stealing a quantity of linen, wearing apparel, jewelry, etc., valued at $40, from her employer, Mrs. Ophelia R. Pitney, of No. 44 West Washington place. A portion of the goods were found in the prisoner's possession. Justice Kelly committed her to prison for trial.

[Advertisement.]

SUBSTITUTES! SUBSTITUTES!—We are now furnishing large numbers of Substitutes, singly and by hundreds, to agents in Pennsylvania, New-England, and New-York state, for $225, $250, and $275. Call on, or address, Tompkins & Co., Substitute Brokers, 645 Broadway, N. Y.

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