A TRIP TO COLORADO.

XV.—TWO ROCKY MOUNTAIN PASSES.

From Our Special Correspondent.

OAO CITY, Colorado, July 4, 1866.

We deserved no credit for early rising at Breckenridge. The room wherein we slept was also a family-room, dining-room and parlor, and the ladies of the house could not properly set the breakfast-table in the presence of four gentlemen in shirts. So we issued forth early, to find a white frost on the meadows and a golden glitter of snow all around the brightest of morning skies. Among the Alps, such a morning is a rare God-send; here, it is almost a matter of course. Whatever effect the climate of the Rocky Mountain region may have upon the permanent settlers, there is no doubt that for travelers it is one of the most favorable in the world. It takes fat from the corpulent and gives it to the lean; it strengthens delicate lungs and paints pallid faces with color; and in spite of "their air and alkali water," it invigorates every function of the system. I doubt whether any of us, at home, could have ventured on wading in the snow, being ducked in ice-water, and camping on the damp earth with the same impunity.

We still followed up the Blue River, now so diminished that its clear, swift waters had no power to stop our progress. After passing through dilapidated forests of fir and pine for an hour, the trail entered a sloping mountain meadow, several miles long, with a vista of shining peaks at either end. New flowers—turquoise-blue, purple and yellow—sprinkled the turf; the air was filled with resinous odors, and the sunshine had just sufficient power to take the icy edge off the air and make it fresh and inspiring. The trail, for the most part, was dry and firm, and our travel became something more of a luxury than it had been during the previous days.

Near the head of the valley, immediately under the snowy ridge, there was a great tract which the gold-washers had gone over with unsparing hand. It must have been a rich placer, for two or three inhabited cabins remain, and there were signs of recent labor. The snow-drifts lay thick all around, the grass was just beginning to shoot, and the three-months' Summer of the higher ranges, during which only gold-washing can be carried on, had barely made its appearance. The residents were absent (probably prospecting), and there was no living creature to be seen, except a forlorn donkey.

Beyond this spot we came unexpectedly upon the summit of the pass. Our ascent from Breckenridge had been very gradual, and we had not guessed the great elevation of the latter place above the sea-level. This route has been surveyed, and our guide, Mr. Matthews, pointed out the stakes from time to time with great satisfaction. The top of the pass is a little below the timber line, and the stake there is marked "11,000 feet." The average ascent on the south side is 90 feet to the mile, while the descent on the north only averages 70 feet. The building of a railroad would not be attended with the slightest difficulty. This pass, dividing the Middle from the South Park, is, as I have explained in a former letter, also the water-shed between the Atlantic and Pacific. The grand off-shoots of the main chain of the Rocky Mountains, so numerous and so lofty, are apt to lead the eye astray, and give an impression of difficulties, which disappear on a closer acquaintance with the region. The first entrance of the Pacific Railroad into the mountains will be found, I suspect, quite as difficult as the passage of the dividing ridge.

We halted on the summit, to enjoy the narrow but very striking views into the opposite Parks. Northward, we looked down the long green meadow, with its inclosing slopes of forest, to a line of snow-clad peaks in the middle distance, and then a higher and fainter line, rosily flushed, a hundred miles away—the northern wall of the Park. Southward, the valley of the Platte, a deep gray-green trough, curving out of sight among the lower ranges, bore a striking resemblance to the upper valley of the Saco, as you look upon it from Mount Willard. Beyond it, the increasing dimness of each line of mountains, told of broad, invisible plains between; and the farther peaks, scarcely to be detached from the air, were the merest Alpine phantoms. Directly to the west of us, however, rose a knot of tremendous snowy steeps, crowned by a white, unbroken cone. This is Mount Lincoln, believed to be the highest point in Colorado. The estimates vary between 15,000 and 18,000 feet, but the most trustworthy measurement—which also corresponds with its apparent elevation above the pass—is 16,600 feet. Later in the season, it can be ascended without much difficulty.

It is fortunate that this prominent summit is so appropriately named. It is the central point from which at least four snowy ranges radiate, is 1,000 feet higher than any peak which has yet been measured, and the view from its snowy apex can hardly be drawn with a shorter radius than 150 miles. Although not standing alone like the volcanic cones of Oregon, but in the midst of a sublime alpine world, it yet asserts its supremacy, and its huge, Wintry buttresses form a prominent feature in the landscapes of the South Park.

We now turned to the right, in order to visit Montgomery, which lies on the very head-waters of the South Platte, at the foot of Mount Lincoln, whose rocky sides are veined with the richest ores. In less than a mile after leaving the top of the pass, we saw the neat little town lying before us, and could detect the signs of mining all around and above it. I had a surfeit of mining plans and prospects in Central City, and will only say that the people of Montgomery are just as sanguine as those of the former place, and their ores, so far as I could judge from specimens, are just as rich and abundant. It would interest those who own stock in the North Star, the Pioneer, and other companies, if I should minutely describe their separate lodes; but most of my readers, I presume, will be satisfied with the general statement that the wealth of Colorado has not been, and cannot easily be, exaggerated.

Descending a long and toilsome declivity to the town, we drew up at the Post-Office. Friendly hands took charge of our animals, and a dinner was promptly in commemoration of our return to the Atlantic side of the Rocky Mountains. Mr. Valiton, I am glad to say, has become a thorough American in every thing but his knowledge of cookery, and the repast he furnished us, although commencing with oyster soup and ending with peaches, bore no resemblance to the dreary fare served up in most of our hotels. When it was over, and we were enjoying the pipe of peace in the sun, the intelligent company of Mr. Rey, formerly Consul of France at Montevideo, and several American gentlemen, gave an air of refinement and ancient culture to the place. It required an effort to recall the fact that I was in the wildest nook, the very heart of the Rocky Mountains.

Montgomery, like Breckenridge, is a deserted town. It once had a population of 3,000, and now numbers three or four hundred. But as the cabins of those who left speedily became the firewood of those who remained, there are no apparent signs of decay. On the contrary, the place seems to be growing a little, and as soon as the "new process" is satisfactorily ascertained, it will shoot up into permanent importance. We had only time to make our nooning there, my place of destination being Buckskin Joe, eight miles further.

We rode five miles down the South Platte, then climbed over one of the many inteps of Mount Lincoln, into a narrower valley, running westward along the base. Near its head, 10,000 feet above the sea, lies the town of the lovely name—a somewhat larger and more active place than Montgomery. The people, for the space of two or three years, made a desperate attempt to change the name to "Laurette," which is slightly better; but they failed completely, and it will probably be Buckskin Joe to the end of time. At least, it is not a "City"—which, in Colorado, is quite an honorable distinction. There are worse names in California than this, and worse places. If I failed to find a blacksmith, and my bare-footed pony must go unshod, we had a carpeted room at the Pacific House, an audience of near a hundred collected in the evening, and everything was done to make my visit comfortable. These remote, outlying mining communities have made a most agreeable impression upon every member of our party. The horde of more or less ignorant adventurers having drifted away to Montana and Idaho, those who remain are for the most part men of education and natural refinement, and this hospitality is a favor in a double sense.

In the evening there was a dismal fall of mingled snow and rain, and I found a fire necessary for comfort. The bare slopes around the village were white for an hour after sunrise. We were here joined by Mr. Thomas, of Chicago, who came from Denver with a mule team, and brought us late news from the world and letters from home. This morning we took leave of White, who started for Empire with our faithful pack-mules. The latter were a plague at times, with all their service, and we are not sorry to be rid of them; but I miss White's honest blue eyes.

There are two roads from Buckskin Joe to this place, one practicable only in mid-Summer for horses, directly over a lofty spur of the snowy range; the other a rough wagon-trail, which goes down the Platte twelve or fifteen miles before crossing to the Arkansas Valley. Mr. Beard, exulting at his escape from the saddle, took the mule wagon with Mr. Sumner; the rest of us determined to try the shorter and more difficult pass. Mr. Willet of Buckskin offered his services as guide, promising to pilot us safely over, although no horses had yet crossed this season. So, wearing the scarlet "Mathews tie," as a memento of that gentleman's kindness, we bade good by to Buckskin Joe, without visiting the abundant "pay-streaks" in its neighborhood.

One evidence of the richness of the locality met us, however, at the outset. We rode along the borders of a narrow gulch—now all stones and gravel—out of which $500,000 were washed in 1860. Thence, two miles over a rough, timbered mountain brought us to Mosquito, another mining village of a hundred inhabitants, at the mouth of a narrow, winding gorge, issuing out of snow-streaked hights to the southward. Into this gorge led the trail, difficult in places, but not to be compared to the swamps and rocky ladders of the Middle Park. Mr. Willet walked briskly in advance, entertaining us with stories of his Winter journeys on foot over the pass, carrying the weekly mail. He did not appear to be troubled by the rarity of the atmosphere, of which I was very conscious, even in the saddle.

The ascent was quite gradual, yet we soon passed the timber line, and the fields of snow crept down the steeps of grass and rock, ever nearer, feeding the torrent which rushed through the gorge. On the left towered an apparently inaccessible mass of dark-red rock, to the hight of two thousand feet; a field of snow, in front, shining against the sky, was equally impassable, and the steep on our left must be scaled. We dismounted, and commenced the heart-breaking task. Climbing a dozen steps at a time, and then halting to recover breath, we slowly toiled upward, around a great slant of melting snow, which had lodged under the cornice of the mountain. I could take no note of the wonderful scenery which opened and widened under us, for every pulse throbbed as if ready to burst, my eyes were dim and my head giddy in the endeavor to fill my collapsed lungs. The pony climbed faithfully at my side, and more than once I should have fallen but for his supporting neck.

We circumscaled the snow at last, and came over the sharp crest upon an upland a mile or two long, bounded by the highest summits. It was a black, Arctic landscape; where the snow had melted there were patches of brick-colored rock and brown grass, or pools of dull, chilly water. The great cliffs across the gorge cut off the distant mountains and valleys from view; we were alone in the upper world as bleak as that on the Norwegian *felds*. The summit-ridge we were to cross lay to the southward, but we could detect no way to reach it without crossing broad and apparently dangerous drifts. Mr. Willet, however, who had frequently made the journey in storm and mist, marched on with a confident air, leading us across the table-land, up a stony angle of the mountain, with snow-filled ravines on either side, until we reached a point where it was necessary to dismount for the last climb.

This was the toughest work of all. The trail became a rocky stair-case, crossed by drifts thirty or forty feet in depth, where, after walking firmly on the surface for a few yards, man and horse would sink down unexpectedly and flounder in the melting snow. In those lofty regions there is no such thing as getting a "second wind"—every step is like a blow which knocks the breath out of one's body. I was conscious of a dry, disagreeable, tingling sensation in the lungs, which the most rapid, open-mouthed inhalation of air could not allay. At every tenth step we were forced to pause, overcome by what I may call *respiratory fatigue*. The air, nevertheless, was deliciously pure and bracing, and none of us experienced any nausea, bleeding at the nose, or dimness of vision, such as great altitudes frequently produce. When we stood still, the physical discomfort soon passed away. The ledges of naked red rocks increased as we climbed; the dark-blue sky sank lower behind the crest; and at one o'clock in the afternoon we stood upon the summit of the pass.

Our elevation above the sea-level could not have been much less than 13,000 feet. The timber line was far below us; near at hand we were surrounded by a desolation of snow and naked rock. Mount Lincoln, on the north, gathered together the white folds of the separating mountain-ranges, and set his supreme pyramids over them; while far to the southeast, where the sage-plains of the South Park stretch for a hundred miles, all features were lost in a hot purple mist. Before us, however, lay the crowning grandeur. The ridge upon which we stood slid down, like the roof of a house, to the valley of the Upper Arkansas, which we could trace to the very fountain-head of the river, its pine groves and long, meandering lines of cottonwood drawn upon a field of pearly gray-green. Starting from Mount Lincoln, the eye followed the central chain—the back-bone of the continent—in a wide semi-circle around the head of the valley until it faced us on the opposite side, and then kept on its course southward, on and ever on, slowly fading into air—a hundred miles of eternal snow! Beyond the Arkansas Valley (where there is a pass considerably below the timber line), glimmered, as if out of blue air, the rosy snow of other and farther ranges. Westward, 70 miles distant, stood the lonely Sopris Peak, higher than Mount Blanc.

New landscapes are often best described by comparison with others that are known; but I know not where to turn for any mountain view at all resembling this in wondrous breadth and extent—in the singular combination of subdued coloring with great variety of form. It is at once simple, sublime and boundless. With a very clear atmosphere, the effect might be different; as we saw it, the farthest peaks and ranges melted insensibly out of the line of vision, suggesting almost incredible distances. There were no glaciers, thrusting down their wedges between the forests; no great upper plateaus of impacted snow, pouring their cataracts from rocky walls, as in the Alps. The snow-line, though broken by ravines, was quite uniform, but the snows were flushed with such exquisite color, and cut the sky with such endless variety of outline, that they substituted a beauty of another and rarer kind. This, and the view of the Blue River Valley, in the Middle Park, are representative landscapes; and they alone are worth a journey across the Plains.

We celebrated the day with none but the most loyal and patriotic sentiments. Our toasts were few, for there was little of the material out of which they grow; our speeches short, for breath was a scarce commodity; but we duly remembered the American Eagle, and magnified the shadow of his wings. There has been no loftier celebration this day in the United States I am sure.

It was impossible to mount our horses until a certain point, nearly 2,000 feet below us, had been reached. There was no snow on the southern slope; but a zigzag, headlong path over bare stones (among which Mr. Byers saw constant indications of gold) for two miles or more, and we reached the bottom with trembling knees and dripping faces. After this the path gradually fell into one of the lateral glens which debouch into the Arkansas Valley, and we pushed merrily on through pine groves and over green meadows, stung by the gad-fly of hunger. Mr. Willet insisted on taking us out of the direct path to see the evidences of gold-washing in California Gulch. We objected, preferring to see a dinner; but he was our guide, and he had his way. The obdurate man made us ride along a mile of hideous gravel-pits and piles of dirt, smacking his lips over the hundreds of thousands of dollars which had been dug out of them, while every one of us was suffering indescribable pangs. What was it to us that men are even now washing out $100 a day?

Log cabins made their appearance at last, then miners, then more log cabins, then a street with several saloons, eating-houses and corrals—and that was Oro City. The place did not promise much, I must confess; but one must never judge from the outside in Colorado. What we found I will relate in my next.

B. T.

THE GREAT REPUBLIC.

LAUNCH OF THE PIONEER STEAMSHIP OF THE SAN FRANCISCO AND CHINA LINE.

Yesterday morning at high water the largest wooden steamship afloat was launched from the ship-yard of Henry Steers at Greenpoint. Long before the time announced for the launch to take place a great concourse of people had assembled within the inclosure of the yard. The weather was all that could be desired. With a clear and bracing atmosphere, which the warm rays of the sun made quite mild, the day was the most perfect of the Indian Summer.

The vessels in the vicinity of the yard were gaily decorated with flags and bunting. Lying in the stream was the steam yacht Clara Clarita, belonging to the Pacific Mail Steamship Company, and the tugs Wm. Fletcher, O. H. Pettit and P. C. Schultz were in readiness to render any assistance that might be required. At ½ o'clock the workmen commenced knocking away the props from under the hull, the vessel resting on the cradles or pockets, as they are termed by shipbuilders, which were securely lashed with heavy iron chains to prevent their spreading. There were now over 3,000 persons anxiously watching the final preparations of the workmen. At precisely 10 o'clock, the huge and symmetrical frame commenced to move slowly, increasing in speed as it approached the water. The excitement among the spectators was intense as the leviathan glided gracefully down the ways, the men cheering and the ladies waving their handkerchiefs. As she plunged into the river the men on board let go one of her ponderous bow anchors, which, after catching once or twice, snapped the heavy cable attached to it like a whip cord. The lashing of the one on the starboard side was now cut away, the anchor falling with a heavy plunge. The vessel kept swiftly on, running out all the slack cable until the chain was brought above the water with a sudden jerk, when it also parted close to the hawse-hole of the vessel. She was now fast approaching the opposite side of the river, and unless the tugs succeeded in reaching her there would certainly be a collision with some of the smaller crafts, as there was nothing left on board to retard her progress through the water. The tugs put on all steam, and reached her in season to turn her from her course across the river, and head her down stream, when her immense momentum was rendered powerless for evil. The launch was, on the whole, a great success, considering the enormous length and proportions of the ship. The Great Republic is the pioneer ship of the Pacific Mail Company's line of steamers to run between San Francisco and China. Her extreme length is 360 feet; breadth of beam, 50 feet; depth of hold, 31 feet 6 inches. Her Custom-House measurement is 5,000 tuns. She is one of the strongest and most substantial vessels afloat, being diagonally strapped throughout with iron bands five inches wide. She is also planked over her timbers, and again diagonally strapped with iron bands on the outside; in addition to which she is doubly planked over the outside strapping. With this tremendous thickness of hull, the vessel is as heavy again as an ordinary one of the same dimensions. The beam on which the engine is to rest is very massive, the several supports, being two feet in thickness. The stanchions supporting the decks are doubly riveted with heavy iron bolts. The great amount of timber used in her construction has not, however, interfered with the beauty and symmetry of her model. Tomorrow she will go on the dry-dock at Erie Basin, where she will be coppered. Her engine is being constructed at the Novelty Works. It is an upright beam, with a cylinder 105 inches in diameter, and 12 feet stroke of piston. When loaded, the vessel will draw about 18 feet of water. It is expected she will be ready for sea on or about the 1st of February.

CIVIL COURTS.

UNITED STATES COMMISSIONER'S OFFICE.—Nov. 8.—Before Commissioner SHILWELL.

AN ALLEGED DEALER IN "QUEER."

United States agt. Thomas Harrington.

The following testimony explains the case:

Aaron McCarty—Am in the secret service department of the United States Treasury; recognize prisoner; first saw him on the 27th of last October at the Catharine Ferry; I was then in company with another man; saw him the next day by appointment at No. 15 Delancey-st; he said the man had not got back yet, and he could not give me any counterfeit money that day; met him the next day at the same place, and we both went to Centre-st., below Canal, and there he got me 50 fifty cent counterfeit fractional currency notes; I paid him $7 50 in good money for them; marked some of the notes; four of the notes now shown me are the ones I marked; the rest of the notes shown me are like them; to the best of my belief all of them are the ones I bought of the prisoner.

The prisoner was then committed for trial.

SUPREME COURT CHAMBERS—Nov. 8.

Before Mr. Justice SUTHERLAND.

THE HARBOR OF NEW-YORK.

Joseph H. Moers agt. The Board of Commissioners.

Certain parties in New-Jersey have been driving piles in the harbor of New-York, between Piers Nos. 13 and 14, N. R., which the Harbor Commissioners claim as an encroachment on the harbor. The Harbor Commissioners have no summary powers to remove such obstructions, but this not satisfying the plaintiffs, they have endeavored to anticipate any possible action of the Commissioners, and have applied for and obtained the following injunction:

On the complaint in this action and affidavit verifying the same, it is ordered that the defendants in this action, their servants and agents, and all persons acting under any authority or instructions from the said defendants, their servants or agents, and each and every of them be and they hereby are commanded and strictly enjoined from pulling down, removing or in any wise interfering with the piles and structures made by the plaintiff, as particularly mentioned and described in the said complaint, in front of the bulkhead between the piers situated in the bay and harbor of the City of New-York, and which are known as Piers numbers 13 and 14, in the North River, during the pendency of this action, or until the further order of this Court. Dated Nov. 7, 1866.

JOSIAH SUTHERLAND,
Justice of the Supreme Court.

DECISIONS.

Israel Loewendahl agt. Jacob Ramey et al.—Motion granted.

Laura Lewis agt. William Lewis et al.—Order granted: Allowance of $100.

Farmers' Loan and Trust Company agt. Chas. Slevin et al. Meta C. Brevoort agt. Ebenezer H. Brown et al.—Motions granted.

Before Justice CLERKE.

Phineas Windsor agt. C. C. Duncan.—Order corrected.

Thos. Newton agt. The Continental Bank.—Settled.

CIRCUIT—Nov. 8.—Before Mr. Justice MULLER.

AN OPERA MANAGER NON-SUITED.

Anibal Biacchi agt. John F. Schepler and Robert Schultze, defendants.

The plaintiff, who is or was an opera manager, alleges that the defendants, who were bankers in this city, made him a temporary loan of $4,000 in April and June, 1864, leaving them as collateral security $11,000 in 5-20 bonds; that the said $4,000, with the interest due and the defendants' legal commission as brokers, has been tendered them and the bonds demanded, but that defendants refused to return them, and suit is accordingly brought for $11,000, with interest from the 1st of July, 1864.

Plaintiff's counsel, in opening the case, said that it had been forced to trial prematurely, and that it ought to have been postponed until January next, as the plaintiff and important witnesses were now in the City of Mexico and could not be in this city until that time.

The defense was that these bonds were left as security for specie drafts obtained by plaintiff on Havana and the City of Mexico, and that the specie so obtained, with interest and commission added was in amount (gold then being about 285), more than the security. Plaintiff's counsel testified that he had called personally on the defendant Schepeler and tendered him the amounts drawn in Havana and Mexico in gold and demanded the 5-20's, but that defendant refused to receive it on the ground that gold was then lower than it was when the specie was obtained at Havana and Mexico.

Quite an animated dialogue ensued between counsel for plaintiff and counsel for defendants while the latter was cross-examining the former on the witness stand.

After the testimony of plaintiff's counsel, defendants' counsel moved for a dismissal of the complaint, arguing that the complaint had not been sustained.

The Court said he thought that this case could not stand, for the reason that it was developed that there were two partners who obtained these letters of credit, and obtained the specie in Havana and Mexico, and that the plaintiff brought suit in his own name, without explaining the omission of his partner's name.

Counsel for plaintiff then read testimony to show that Biacchi was the only party who obtained the letters of credit.

After the examination of a witness on behalf of plaintiff, and some desultory discussion between counsel and the Court, the Court granted a non-suit.

SUIT ABOUT A CHECK GIVEN AS MARGIN.

Wm. R. Jandon and another agt. David S. Reed and another.

The plaintiffs, who are stock commission brokers, allege that defendant, Read, on the 22d of March, 1865, made a check for $2,000 on the Canajoharie Bank, payable to the order of George Caldwell, Jr., who is the other defendant; that he, for value received, on the same day, delivered the check to Caldwell, who, on the same day, for value received, indorsed and delivered the check to plaintiffs; that they, on receiving the check, deposited it in the Bank of the Commonwealth, and that it was immediately sent to the Canajoharie Bank for payment, which was refused; that the check, on such refusal, was duly protested, and notice given to defendant. Caldwell, that defendants are indebted to plaintiffs on the check to the amount of $1,600, for which, in addition to interest and protest fees, suit is brought.

Defendant Read admits making the check, but denies delivering it to Caldwell for value received; denies that Caldwell received any consideration from plaintiff for the check; leaves plaintiff to prove the presentation of the check at the bank; denies that plaintiffs are the lawful owners of the check or that he is indebted to them therefor; avers that he delivered the check to Caldwell without any consideration, to be used by him as security against loss on 200 shares of Cumberland Coal and 100 shares of New-York Central Stock to be purchased for their joint account; that said Cumberland Coal Stock was purchased by the plaintiffs as stock brokers on the 23d and 23d of March, 1865, and was sold out on the 25th and 27th of the same month at a profit of about $400; and the 100 shares New-York Central were sold on the 27th at a profit of $22 17; that these purchases and sales were made on joint account of defendants as the plaintiffs well know on the security of this check and were the only transactions made on such security, or for the joint account of defendants, all which the plaintiff knew at the time; that if the check was ever presented for payment it was after the stock had been sold and the profit realized and all liability for a loss had ceased. Defendants also avers that on the 7th of April, 1865, he commenced a suit against plaintiff to recover the profits made. The answer of Caldwell was substantially the same as Read's.

Caldwell testified on the stand that he was not served with the protest.

Counsel for defense asked the Court to charge the jury: that Mr. Read is not liable for stocks purchased after the check was returned protested without express orders from him or his authorized agent.

That if the jury believe that Mr. Read had money enough in the bank to pay the check when it was presented for payment and that it was not refused by his (Read's) directions, no recovery can be had on the check against him unless it was duly protested against him, which it was not.

The Court charged accordingly.

The Counsel for the Plaintiff requested the Court to charge:

"That in the case of a check a parol notice of non-payment that holders look to the indorser for payment is sufficient.

"That the exhibition of an original certificate is sufficient notice to hold an indorser or maker of check.

"That a statement to the maker by an officer of the bank on which the check was drawn, that the check had been protested, is sufficient to hold the maker."

Which the Court refused.

The jury rendered a verdict for plaintiffs for full amount claimed. E. N. Wight for plaintiffs; Ira D. Warren for defendants.

SUPERIOR COURT—TRIAL TERM—Nov. 8. Before Justice BARNARD.

Beck, Admr., agt. The East River Ferry Company.

This case, in which the plaintiff's story was reported in yesterday's TRIBUNE, and which arose out of the drowning of the plaintiff's son by being run over by one of the defendant's ferryboats, was resumed yesterday, the defendant's witnesses giving a slightly different story from that of the plaintiff's. It was claimed on behalf of the defendant that the accident arose out of the negligence of the boy in the management of the boat and in jumping out of it.

The Court charged that both the boat and the ferry-boat had an equal right in the river; that each was bound to take reasonable care of itself, and not to injure the other; that the boy was bound to take such reasonable precautions, and to act in such a manner as a reasonable man in the same circumstances would do; but that the slightest negligence on the part of the boy which contributed to the injury would debar the plaintiff from a recovery.

Under this charge the jury gave a verdict for plaintiff of $2,600.

Mr. Miller for plaintiff; ex-Judge Dean for defendant.

Before Justice JONES.

BREACH OF PROMISE OF MARRIAGE—VERDICT $1,000

Caroline A. Brower agt. Charles E. Fleming.

The plaintiff in this case alleges that in April, 1864, the defendant promised to marry her, and, far from doing so, has since married another person. The lady, it appeared, had been previously married to a Mr. Sheldon, from whom she obtained a divorce about 1859. The first husband died in California, about 1856, but there was no direct proof of the death except the reports received by his family, which were testified to by his brother. The judgment roll in the Court of Common Pleas had been lost; but the Court minutes were brought to show that the divorce had been actually attained, and the Court, after considerable hesitation, admitted them as evidence. The defendant says that she introduced herself to him in the street by inquiring about a mutual friend in California; that she haunted him in the street, and that he called on her only some six or seven times. Other witnesses testify to more numerous visits.

The jury rendered a verdict for the plaintiff of $1,000, to which the Court added an allowance of $50.

Mr. C. S. Spencer for plaintiff; Mr. C. W. Smith for defendant.

SPECIAL TERM—Before Justice JONES.

DECISIONS.

Geo. S. Stoddard agt. Araminta Stoddard.—Motion denied without costs.

Before Justice MONELL—Emanuel Hoffman agt. The Manhattan Insurance Co.—Motion granted and commission issued. Jno. D. Sherwood agt. Luther C. Clark.—Motion granted and proceedings stayed. Henrietta Pettibone agt. Hiram Pettibone.—Motion granted and cause referred to a referee.

MARINE COURT.—Nov. 8.—Before Judge HEARNE.

DAMAGED BY A DUMMY.

Anthony Deleyer agt. The Second Avenue Railroad Company.

The plaintiff in this case alleges that in May last he was driving his horse on Second-ave. As he neared Seventy-seventh-st. he observed a dummy engine approaching. His horse taking fright at the appearance of the dummy and the unusual noises that it made, commenced to prance and rear. During his efforts to restrain the horse he passed Seventy-seventh-st., the only place where he could have turned off. He then waved his hand to the engineer of the dummy to stop, but before he could do so the horse became unmanageable and turned short across the track, overturning the wagon and spilling Mr Deleyer and his wife out. Mr. Deleyer claims that his wagon was broken, his horse was damaged to the extent of $100, and he and his wife severely injured, the damages amounting in all one of the strongest and most substantial vessels afloat, being to $500. The damages to the horse, wagon and harness amount to the sum of $405; the other $95 are claimed for damages to himself and wife.

A number of witnesses were called upon the part of the defense to show that the car was not running at an unusual rate of speed, and that it was stopped as soon as possible after seeing the plaintiff's signals. A copy of the rules of the company governing the drivers and conductors was submitted, one clause of which provides that in cases of frightened horses the car shall be run slowly or stopped altogether. The company claim that every precaution in their power was taken to avoid claim that every precaution in their power was taken to avoid accidents. The jury were directed by the Court to bring in a sealed verdict. Francis Byrne for plaintiff. Ex-Judge Slosson, Waldo Hutchings, and John H. Platt for defendants.

COMMON PLEAS—Nov. 8.—Before Judge CARDOZO.

LIABILITY OF A STEAMBOAT COMPANY FOR REFUSING TO CARRY PASSENGERS.

Joseph R. Smith agt. The New-Jersey Steamboat Company.

The complaint in this case is that in July, 1865, the plaintiff, holding certain passage tickets and the keys to certain state-rooms, went on board the steamer St. John, one of a line of boats owned by the defendants, for the purpose of proceeding to Troy. The boat being crowded and state-rooms scarce, he, for the purpose of accommodation, offered to sell his superfluous rooms for a price, which the Company claim was much above the usual price charged. The plaintiff alleges that without any previous notice he was violently assaulted and ejected from the boat, and various threats of bodily injury to him were made should he return. In the scuffle, he lost a roll of notes out of his vest pocket, amounting to the sum of $300. Having lost both his passage and his money, he now demands compensation.

The Company in answer allege that having frequently been complained of, for permitting this sort of speculation in state-rooms, they were determined to abolish it, and made a rule to that effect; that the plaintiff was notified to desist, and that on his failing to do so he was ejected, with no more violence than was absolutely necessary; that the plaintiff, after being ejected, made no demand for his passage; that, had he done so, they would have carried him so long as he complied with their rules.

The Court charged the jury very fully on the law bearing on the case, and in answer to a question by a juror, took occasion to say that the plaintiff had a perfect right to dispose of his surplus tickets to whom he pleased. The jury after a short deliberation returned a verdict for the plaintiff for $1,400.

Mr. Prey for plaintiff; Prentiss & Taylor for defendant.

EXAMINATION OF LAW STUDENTS.

Committees have been appointed for the examination of applicants for admission to the bar during the present term. The following are the gentlemen named on the Examining Committee: Edward Patterson, John H. Hansett and John B. Haskin; on the Committee on Character—John Sherwood, E. E. Anderson and Erastus C. Benedict.

THE JUMEL WILL CASE.

ADJOURNMENT TO MONDAY.

This case was to have commenced yesterday, but was by consent adjourned to Monday next. It is said that propositions for a settlement have been received and entertained by the parties, but we are informed positively by some of the attornies that the case will they be tried.

BUSINESS IN THE COURTS.

SUPREME COURT—GENERAL TERM.—Present, Justices BARNARD, CLERKE and INGRAHAM.—Reuben May agt. Hans J. Hansen; motion to dismiss appeal granted, with $10 costs. John Sickles agt. Wright Gillies; argued; order affirmed. John Palmer agt. Ann Eliza Cohn; dismissed. Eugene Lynch agt. James Bryan; argued. Edward A. Green et. al. agt. The Montana Mill Company; argued. Same agt. Same; argued; decisions reserved. State Bank of Newark agt. Wm. Leland; argued; order affirmed. Griswold S. Ely agt. Geo. C. H. Mansfield, &c.; argued; decision reserved. Joseph W. Savage agt. Noah W. Plin; argued; resignment ordered. Mary Hegeman agt. Geo. W. Crary; argued; order affirmed. Cheriton T. Lewis agt. Robert Dunlap et. al.; argued; decision reserved. Jane Swanson agt. John J. Cooke; argued; decision reserved. In re the Board of Commissioners of Central Park, Opening Madison-ave., &c. Before Richard H. Lee, Edward C. Smith, D. R. Martin, G. M. Wilkins, Elias H. Van Brunt, A. S. Tappen, John D. Phillips, Smith Barker, Mannell Van Rensselaer, James Gibson; argued; order affirmed. Joseph C. Fisher agt. Louisa H. Hepburn et al.—Argued, decision reserved. In re. John Perry, for contempt.—Submitted. Dowit v. C. Willoughby agt. Philip Clark.—Referred. John B. Ayres agt. The Western Railroad Company.—Argued, decision reserved. John W. Thompson et. al. Edward Jones.—Argued, decision reserved. James H. Heroy et al. agt. Solomon Parmelee.—Argued. CIRCUIT.—PART I.—Before Mr. Justice JOSEPH F. BARNARD.—James W. Lyon et al. agt. Edward Kettner et al.—Verdict for plaintiff, $500; extra allowance of 5 per cent. Charles Dowden agt. Howell Hoppock et al.—Verdict for the defendants. Wm. C. Town agt. Milo Pratt.—Inquest; judgment for plaintiff, $1,293 86; extra allowance of $50. SPECIAL TERM.—Before Mr. Justice POTTER.—Chas. C. Clutes agt. John J. Kneeling.—Demurrer argued; judgment for plaintiff, with leave to defendant, &c. Simon Waldheim agt. P. Bender.—Demurrer argued; decision reserved. Mendelssohn Benevolent Society of the City of New-York agt. Sarah Cromelien et al.—Demurrer sustained, with leave to plaintiff to amend, &c.

COURT CALENDARS—THIS DAY.

SUPREME COURT—CIRCUIT—Part I. Held by Mr. Justice JOSEPH F. BARNARD. Court opens at 10 o'clock a. m. (Short causes.) Nos. 2861. Matthews et al. agt. Macey et al.; 3165, Cowley agt. Girardey, &c.; 2615, Brough agt. Thompson; 3229, Jackson agt. Davison et al.; 3221, Holmes agt. Lynd; 3095, Wright agt. Carroll et al.; 3423 Thompson agt. Moss; 3715, Loren agt. Andrews, administrator, &c.; 3677, Miller et al. agt. Palin et al.; 3711, Boiling agt. McGregor, &c.; 3763, Van Ever agt. Mott; 3719, Knapp agt. McBride; 3675, Whitmore agt. Potter on et al.; 3525, Field agt. Bennett et al.; 3730, Wernberg agt. Wolf; 3731, same agt. same; 2465, Loke agt. Kirson et al.; 3029, O'Leary agt. The People's Bank of S. C.; 4115, Hayes agt. Giraux; 3713, Seiger agt. McCabe; 4036, Harte, jr., agt. Wheeler; 3547, Galpen agt. Oppenheimer; 4027, Weller agt. Rizzo; 3663, Ball et al. agt. Wiard; 3361, The I. and T. S. R. R. Co. agt. Day; 4073, Wild agt. Duncan; 4127, Abortus agt. Day; 3,641, Bagnall agt. Woolsey. PART II.—Held by Mr. Justice MULLER.—Court opens at 10 o'clock a. m.—(Short causes.)—Nos. 1242, Fisher agt. Kirkpatrick; 2970, Turner agt. Hasson; 2036, Vaughn et al. agt. Montgomery; 2656, Williams, jr., agt. Wood; 2416, Davis agt. Collectors; 3264, Allison et al. agt. Fuller; 3584, Willis agt. Mayer; 3634, Archer et al. agt. Sheppard; 3992, The N. Y. Steam Engine Works agt. Emmery; 3526, The Saratoga Co. Nat. Bank agt. Richardson et al.; 3646, Guenn agt. Agnew et al.; 3679, Budlong agt. Hockstaller; 3996, Copelatin agt. Buck, impld.; 3028, O'Leary agt. The State Bank of South Carolina; 37 3, Weihbacker agt. Booth et al.; 4067, Pike et al. agt. Steinfeld; 4102, Harris et al. agt. Denny et al.; 3602, De Pham et al. agt. Ruger et al.; 3596, Newhall agt. Taylor; 4044, Phillips et al. agt. Reichert et al.; 4156, Doherty agt. Wagnault et al.; 3568, Tremor agt. Worne; 3524, Fowler agt. Sherman. GENERAL TERM.—Held by BARNARD, P. J., CLERKE and INGRAHAM, J.J.—Court opens at 10 o'clock a. m. Preferred causes. SPECIAL TERM.—Held by Mr. Justice POTTER at No. 73 Duane-st.—Court opens at 10 o'clock a. m. Demurrers—Nos. 21, Carman et al. agt. Potter et al.; 20, The People, &c., agt. Reilly et al.; 34, Babcock agt. Nelson et al. ISSUES OF LAW AND FACT—Nos. 154, Dwight agt. Tyng; 1, R. H. Co. agt. Rogers agt. Johnson et al.; 165, Dunlap agt. Gulve; 166, Hall agt. Hall et al.; 167, same agt. same; 168, Gardiner agt. Tyler et al. agt. Tyler et al.; 169, Banker agt. Freeman; 170, Palmer agt. Vestvelt; 171, Ham, jr., agt. Stevens et al.; 172, Libberan agt. Libberan; 173, Smith agt. Thomas; 174, Williams agt. Hay et al.; 175, Everson agt. Sternbergh; 176, Dunham et al. agt. Newell et al.; 177, Martine agt. Phyfe; 178, Rechter agt. Guns et al. CHAMBERS—Held by Mr. Justice Barnard.—Court opens at 10 o'clock a. m. Adjourned calendar.—Nos. 71, Broadhead agt. Muring et al.; 63, Fithian agt. Mott et al.; 89, The People, &c., agt. Metropolitan Board of Health; 81, Murphy agt. Gross; 22, Burke agt. Donaldson; 112, Blum et al. agt. Schaffnet; the general call is No. 125, Kelly, Sheriff, &c., agt. McNamee, &c.

SUPERIOR COURT—PART I.—Held by Barbour, J.—Court opens at 11 o'clock a. m.—Nos. 2697, Greene agt. Bond; 2647, Engelmann agt. Lorrillard; 1797, Livermore agt. St. John; 2673, Cook agt. Hull; 2639, Atwell agt. Blake; 2539 MacBennett agt. The Second ave. Railroad Company; 2741, Wasseman agt. Gowdy; 2477, Bentley et al. agt. Chase; 2509, Bonney agt. Lynch; 2421, Hammond agt. Talmage; 1835, Large agt. The Composite Female Transatlantique; 2519, Laurists agt. Fagan et al.; 2560, Jonsen agt. Phipps; 2593, Langley et al. agt. Morris et al. PART II.—Held by Joseph F. Daly.—Court opens at 11 o'clock a. m.—Nos. 1672, Benjamin et al. agt. Lynch, Sheriff, &c.; 2746, Burns agt. Roure; 2390, Brookman et al. agt. Metcalf; 2620, Thomson agt. Speight