CIVIL COURTS.

UNITED STATES CIRCUIT COURT—Dec. 11—Before Judge SHALLY.

COUNTERFEITING CASES.

Catharine McCarthy, indicted for passing and attempting to pass counterfeit $10 National currency notes, purporting to be issued by the Highland National Bank of Newburgh, N. Y., was brought up for trial. She withdrew a plea of not guilty; pleaded guilty, and was remanded for sentence.

John Connell, indicted for attempting to pass counterfeit $10 National currency notes, and for holding them with intent to pass, counterfeit fractional current currency notes, also forfeited his recognizances by not appearing for trial.

William Garnett, indicted for dealing in counterfeit 25 cent fractional currency, also failed to appear, forfeiting his recognizance in $2,000.

Catharine May and Mary Harden, indicted for passing counterfeit 50 United States Treasury notes, were brought up for trial; Harden withdrew a plea of not guilty and pleaded guilty. She was remanded for sentence. On motion of the District Attorney, a nolle prosequi was entered in the case of May, and she was discharged.

Giovanni Tenani (an Italian), indicted for dealing in counterfeit fractional currency, was tried, found guilty, and remanded for sentence.

AN ALLEGED EXCESSIVE IMPOSITION OF DUTIES.

Barkard and Hutton agt. Augustus Schell, Collector, &c.

We published an abstract of this case in Saturday's TRIBUNE. The case was continued yesterday and we now give it more in detail. It is a suit brought by the plaintiffs, importers of certain dry goods in 1865, to recover of the defendant, who was Collector of the port of New-York at that time, duties alleged to have been exacted by him in excess on costs, charges, and commissions. The first section of the act of March 3, 1851, regulating the reappraisement of imported merchandise, provides that in all cases of ad valorem duty on imported goods, it shall be the duty of the Collector to cause the actual market value or wholesale price, to be appraised, estimated and ascertained, and to such value or price shall be added *all costs and charges*, except insurance, and including in every case, *the charges for commissions at the usual rates*, as the true value at the port where the same may be entered *upon which duties shall be assessed*."

The plaintiffs allege that the "costs and charges" and the "commissions," referred to in the above act, were ascertained and estimated at the Custom House in excess, and therefore they are entitled to recover back the duty imposed by the Collector upon such excess.

In 1864, a case involving similar questions came before the Circuit Court, Judge Smalley presiding, and in that case, by consent of all the parties, the report of Mr. Isaac Phillips, an Appraiser in the Custom House, was received as evidence of what "all costs and charges" actually were, and what the "commissions" ought to be, on the merchandise in question. The report of Mr. Phillips was made in answer to a question submitted by Auditor Ogden, as to what was the general average of such items.

The plaintiffs in the present action offered this report of Mr. Phillips as evidence to show what were all costs and charges actually paid by the plaintiffs. The District Attorney objected to its reception, upon the ground that the report did not purport to represent the actual amount paid, but only a general average or approximation. The Court sustained the objection and ruled that the plaintiffs must produce affirmative evidence of what was the amount of all costs and charges actually paid on the merchandise in question by the plaintiffs. The plaintiffs not being ready to produce this proof the trial was adjourned to Wednesday next.

It also appeared in the evidence offered by the plaintiffs, that protests were not attached to the entry in each individual case, but that, at the close of some of the protests, there was a notice to the Collector that he was to consider the protests applicable to all future similar importations. This raises the much mooted question of prospective protests, the District-Attorney taking the ground that each importation and each entry must be accompanied by a protest in reference to that particular importation, and that the protest must be filed at or before the payment of the duty.

It also appeared, in the plaintiffs' evidence, that the importers had not appealed from the decision of the Collector to the Secretary of the Treasury. The plaintiffs claimed that, in the decisions of the Treasury Department, appeals were not necessary in cases of duties exacted in excess on costs, charges, and commissions. The District-Attorney denied the applicability of the decision of the Treasury Department to the case under consideration, and insisted that, in every case where a protest is required under the Act of March, 1857, an appeal to the Secretary is also necessary, in order to enable the importer to maintain a suit.

There are other important questions involved in the pending trial which will be presented for the ruling of the Court, and it is anticipated that the large amount involved will take the case to the Supreme Court, whatever may be the decision here.

Ex-United States District-Attorney E. Delafield Smith for the plaintiff; United States District-Attorney Samuel G. Courtney and Assistant United States District-Attorney Ethan Allen for the defendant.

UNITED STATES DISTRICT COURT—Dec. 11.—Before Judge SMALLEY.

CHAMPAGNE CASES—ALLEGED UNDERVALUATION OF INVOICES.

United States agt. 3,100 cases of Champagne Wine.

This is one of several suits brought by the Government against certain wine merchants and importers of this city for alleged fraudulent undervaluation of invoices of champagne wine imported by them. It came up yesterday in the form of a motion by the United States District-Attorney, Samuel G. Courtney, for a postponement of the trials until the March term, on the ground that material witnesses for the Government were now in California for the purpose of testifying in similar cases there; that he had made no agreements with Messrs. Webster and Craig, the opposing counsel, that the cases should be tried this term; that the cases had been pending before the term of his immediate predecessor, and that Messrs. Evarts and Lowry, until recently, had the prosecution of the cases in their hands, but that he had now taken charge of them, by direction of the Secretary of the Treasury, who had instructed him not to have them tried until the March term, if possible, as the Government would not be ready until that time.

Sidney Webster opposed the motion, and read three affidavits for the purpose of showing that an agreement had been made to bring on the cases this term.

Mr. G. W. Lowry then read letters contradicting the affidavits read by Mr. Webster, and said that Mr. Webster in stating that an argument had been made inboard under a misapprehension; that he (Mr. Lowry) in conversation with Mr. Webster on a certain occasion may have made a casual observation in reference to the trials, which Mr. Webster has construed into an agreement; that Mr. Webster had no right to so consider it, for he (Mr. Lowry) had informed Mr. Webster the next day after this conversation that he would not be ready to try the cases in December.

The Court informed counsel that a stipulation or agreement for trial between counsel for claimants and any other party or parties, other than the District-Attorney, even if proved, would not affect his decision in relation to this motion; he should only recognize as binding what took place between counsel for claimants and the District-Attorney.

The District-Attorney then said that the management of these cases having been, until recently, in the hands of Messrs. Evarts and Lowry, he had not the time himself to be the first of them at this term, except by saying, that he was willing and ready to act when counsel on both sides agreed; but as it seemed that no agreement had been made, and as he had been recently instructed by the Secretary of the Treasury to take full charge of the cases, and as, since he had done so, he had received instructions not to try them till March, on account of not being ready, he should certainly not agree to try them now; and there being no agreement the counsel for claimants were not justified in their efforts to force on the trials by the plea that many of their witnesses were here from a distance, and that the postponement would put them to serious inconvenience, trouble and expense. They had sent for those witnesses after being informed and warned that the other side were not ready for trial in December and could just as well as not have prevented their coming, but as they were here, he would inform the Court and counsel for claimants that the Government was willing that the testimony of these witnesses should be taken *de bene esse*, and should be received on the trial, the same as if the witnesses were personally present.

Mr. Webster replied that the suits had been pending two years; that bonds had been given to the extent of $140,000 in gold; that the securities for claimants were anxious to have the cases settled so that they might be released; that there had been ample time for the Government to prepare for trial; that the District-Attorney wanted the cases postponed for the convenience of the Government, but he (Mr. Webster) had a right to demand that the trials should be proceeded with, as the *rights* of his clients were involved; that he considered any one of his clients would have as good a right to ask for the postponement of the cases—providing the Government was anxious to urge on the trial—on the claim of convenience, and yet, the District-Attorney well knew that if that was the case—if the situation of the parties to this action were reversed—an application by them (the claimants) for a postponement, on the ground of convenience, would be laughed at, and yet he (Mr. Webster) thought and believed that any one of his clients, notwithstanding the power of the Government, should have his desires and wishes consulted and respected, and should receive the same treatment in a matter of this kind, and have as much deference paid to his wishes, as the Secretary of the Treasury, or any similar public official.

The Court took the papers, reserving its decision.

Samuel G. Courtney, United States District-Attorney, for the Government; Sidney Webster and James B. Craig for the claimants.

CONDEMNATIONS.

Returns of process were made in the following cases:

Custom-House case.—U. S. agt. Twenty-five casks, &c.

Internal Revenue cases.—U. S. agt. Sixteen bbls. distilled spirits found on Fulton-st.; Same agt. Twenty-five bbls. do. found at No. 176 Fulton-st.; Same agt. Fifteen bbls. do. found at No. 176 Liberty-st.; Same agt. Four bbls. do. found at No. 49 Courtlandt-st.; Same agt. Twenty-nine do. found at No. 176 Fulton-st.; Same agt. One still found at No. 161 West Twenty-seventh-st.; Same agt. One hundred and ninety-eight bbls. distilled spirits found on East Twenty-sixth-st.

No claimants appearing for the above articles, on motion of B. K. Phelps, Assistant U. S. District-Attorney, decrees were entered condemning them by default.

UNITED STATES COMMISSIONER'S OFFICE—Dec. 11.—Before Commissioner NEWTON.

THE "SCOTCH" EXTRADITION CASE—THE FUGITIVE TO BE SENT BACK—OPINION OF COMMISSIONER NEWTON.

In re The Extradition of John Henry Greatrex.

The person named in this proceeding, whom the British Government seek to be delivered up in accordance with the treaty stipulation existing between this Government and Great Britain, is charged before me with having fled from that country, after committing certain forgeries of a large number of notes of the Union Bank of Scotland.

The evidence upon which the Government of Great Britain seeks to substantiate the charge, is based upon the depositions of various parties taken at Glasgow, the place where the alleged forgeries were charged to have taken place. These depositions (except those who were *participes criminis*) narrate various minute circumstances which, together, form a connecting chain, pointing so directly to the prisoner's guilt that upon that evidence alone I should feel constrained to grant the certificate for rendition.

In addition, however, to this chain of circumstantial evidence, we have the declarations of the *participes criminis*, which are so thoroughly corroborated by the depositions presented, and by the oral testimony of the Chief Police Detective of Glasgow, that I have no hesitation in determining the only question presented for my consideration, viz: Whether there be probable cause to believe that the person charged as a fugitive from justice has been guilty of the offense for which rendition is demanded.

The proof being sufficient and ample to establish that in the affirmative, I shall give the requisite certificate of rendition.

SUPREME COURT—CIRCUIT—Dec. 11.—Before Mr. Justice CLERKE.

THE LIABILITY OF PERSONS FOR REPRESENTATIONS MADE TO THIRD PARTIES.

John B. Manning and another agt. Arthur Robinson.

The plaintiffs in this case are note and bill brokers, and were applied to by one L. M. Bennett to purchase a bill of exchange drawn on a bank in England, for £1,000. Before purchasing it they inquired of him what references he had, and he referred them to the defendants. One of the plaintiffs went round to the defendants, and what passed there is somewhat disputed. The plaintiffs claim that both the defendants concurred, Robinson by reference to Ogden, and Ogden in positive words, that Bennett was perfectly responsible, and that they could safely purchase the draft. Mr. Ogden says that he was simply asked "Will any one be safe in buying the bill," and that he answered "I think so." While Robinson says that he was absent at the time, and knew nothing of the matter till explained him afterwards. Ogden further testified that he had been favorably impressed by Mr. Bennett, who had purchased goods in his place of business for some time previous, and would quite probably have trusted him with goods to a moderate amount had he requested it, simply taking the precaution of finding out where he lived in a respectable part of the city. Mr. Robinson, too, testifies that when the plaintiffs came to him, on the draft being protested, he thought Bennett would have made at all risks, and may have said so to them. The draft was returned protested, and from letters sent to L. M. Bennett, at the office of the defendants, which Bennett was in the habit of getting, and which, as it appeared, were from a lady to another, it was judged, when they were opened by the Sheriff, that Bennett had been a swindler.

The plaintiffs claim that they were induced to buy the bogus draft through the false representations of the defendants, and that they were therefore liable for the amount.

The Court charged that there must have been false representations, deceit and a loss of money through reliance on those representations, to constitute a cause of action. The first and last were conceded; the second, deceit, was that on which the jury were to pass, and this might be a false statement of knowledge where the parties said not knowledge.

The Court directed a sealed verdict.

Before Mr. Justice MASON.

SUIT FOR LOSS OF A LEG AGAINST A CITY RAILROAD COMPANY.

Caroline Rexford agt. The Broadway and Seventh-ave. Railroad Company.

This case, previously reported, and in which plaintiff sues defendants for $20,000, for the loss of her leg, which she alleges was caused by the negligence of a conductor of one of their cars, was summed up and given to the jury yesterday. They being unable to agree up to the time of the adjournment of the Court, were directed to bring in a sealed verdict this morning.

CHAMBERS.—Before Mr. Justice INGRAHAM.

THE DOWNIEVILLE GOLD STOCK MATTER—A CORNER THAT WAS NO CORNER—ALLEGED FRAUD ON THE PART OF STOCKHOLDERS.

James Fisk Sons agt. J. G. Riley, F. A. Wheeler, and J. C. Harriott.

The plaintiffs in this case sue to recover $12,700. Their story is embodied in the affidavit of William Belden, one of the plaintiffs, on which the defendants were arrested, and of which the following is an abstract:

On Nov. 5 Wheeler bought him 5,000 shares Downieville gold stock, the selling at $2 65 a share; that he said he owned all the stock of the Company; that he wanted plaintiff to buy of him 2,000 shares and advance $7,000 and the purchase money for $2,000 shares if they could be got, saying that the stock could not go down, as he owned it all, and had contracts for delivery to him of 60,000 shares "short" stock besides, that his stock not in the possession of the seller; that relying upon this plaintiffs lent him on 6th November $2,000, and paid for 2,000 shares for him $5,700; that these representations were false; that he did not own the stock; it is now for sale at $1, and it is difficult to get that sum for it; that Wheeler knew it was plentiful in the market and would go down; that all the defendants have since confessed that Wheeler acted for the interest of all; that they have made a number of similar transactions, and Wheeler and Riley acknowledged that they knew, on the morning of November 6, before plaintiffs' advances were made, that the stock could no longer be sold at a price that would at all approach the advance, and it was impossible for them to maintain its market price.

Wheeler now moves to discharge the order of arrest on affidavits setting up substantially that he was in defendant Riley's employ to attend to transactions in Downieville stock; he proposed on November 5 to deposit with plaintiffs 5,000 shares of Downieville stock as margin, they to buy and sell other stock of that company as he might direct, the stock then selling at $2 85 a share; he did not tell Belden he owned the stock, but that the "pool" who were operating, in it, owned or controlled the whole of it, which he said on Riley's authority and still believes; plaintiffs accepted the offer, and he made a written contract with them authorizing them to sell the stock, he to keep his margin good, which he did until his arrest; that on Nov. 6 he deposited 2,000 shares of the same stock, and received from them $7,000 to be repaid on call on Nov. 7; that when the loan fell due on the 7th, he believes the stock would have brought enough to cover it; did not say the stock could not go down; that on Nov. 6 he directed plaintiffs to purchase on his account 2,000 shares of the stock, which they did; that he believes they could have sold the entire stock before suit brought for enough to cover their whole advances; that he never acknowledged that he knew on the morning of Nov. 6, before he got advances, that it was impossible for them to maintain the market price of the stock; that since his arrest Belden had used threatening language to him and said he should never leave jail till he proved his innocence.

Riley swears that Wheeler was in his employ, and that he and the defendant Harriott on the 5th, 6th and 7th November did control shares to the amount of the entire capital stock of the company, and denies the admissions alleged to have been made by him on the 6th November.

In reply to these affidavits and others brought to support them, Mr. Belden says that on the afternoon of Nov. 7 the stock was down to 75 and 80 centsand is the 22d had fallen to 17 cents, that Wheeler never spoke of a pool or of agency, but that he was owner of all the stock and had put $300,000 in it, and that there has been an over issue of 107,000 shares of the stock. Other affidavits were read in support of this, and Wheeler's examination supports it in some points.

On those affidavits, Mr. Dudley Field, the counsel for plaintiffs, contended that the papers show clearly that Wheeler acted in combination with Riley in all these matters. The defendants assert that Wheeler was employed by Riley as an agent, and acted for him in the transactions; but neither pretends that the plaintiffs were aware of the fact, while the plaintiffs say explicitly that they never knew or supposed that Wherler was acting as an agent until after the loans were made and before the suit was brought; that the result is that both Wheeler and Riley are liable to the plaintiffs; that the fraudulent representations were proved to have been made by Wheeler, and that he is responsible for them; that the papers show a general scheme devised by Riley and Harriott to raise money upon this stock, by inducing brokers to buy the stock for their account, with a portion of which they secretly supplied themselves, by a fraudulent over-issue and by borrowing upon the stock an amount far exceeding its real value; that they have obtained upon the over-issue alone upward of $48,000; that in this scheme, a part was assigned to Wheeler, which he carried out; that his dealing in the stock for Riley during a period of three months or more, and his representations which were actually false, and his obtaining similar advances from Jones and Westervelt and others, show that he was familiar with the entire device, over-issue and all; that Wheeler in his own evidence states that when he gave the order to the plaintiffs to buy he knew they would have to buy Riley's stock, and Riley admits he negotiated and got the money upon one of the fraudulent over-issues, but declines to elucidate the matter further lest he may criminate himself.

The counsel for the defendant contended that it was but an ordinary corner operation, and that Wheeler was shown to have been merely acting as agent, Riley coming forward to clear him.

The Court reserved its decision.

Before Mr. Justice SUTHERLAND.

DECISIONS.

The Second Avenue Railroad Co. (first *action*) agt. The Brooklyn and Fulton Ferry Railroad Co.—Motion granted, with $10 costs to the defendant, to abide the event of the action. The Same agt. The Same (second action).—The same. In the matter of the petition of Laura Karme.—The motion must be denied, but without costs. Ex parte in the matter of the application of Mortimer Livingston et al. for removal, &c., of trustee, &c.—The motion for a stay, &c., until motion can be made to Court of Appeals, is granted; the other part of the motion is denied, without costs to either party.

Before BARNARD, J.

Robert Campbell agt. Elisha B. Sackett.—Motion denied, Sandford agt. Pegram.—Order settled. Robert S. Livingston agt. The Mayor of New-York.—Motion granted. CIRCUIT CASES.—William Kelly agt. John Atwell.—Motion denied. Edward Del Banco agt. Theodore Eastman.—Verdict for plaintiff.

SPECIAL TERM.—Before Judge POTTER.

Osgood agt. Given.—Judgment for the defendant on the demurrer to the fourth cause of action, with leave to the plaintiff to amend within 20 days on payment of costs of the demurrer. McIntyre agt. Fitch.—Judgment for plaintiff on the demurrer, with leave to the defendant to answer within 20 days on payment of the costs.

SUPERIOR COURT—TRIAL TERM.—Dec. 11.—Before Justice MONELL.

THE WRONG PARTY.

Charles McCarthy, Adm'r., &c., agt. Isaac Duryea.

The plaintiff's little girl was, according to his evidence, run over and killed by a cart marked with the defendant's name, purchased, together with the horse, by the defendant, in his own name, and in charge of a driver hired by the defendant. Yet, as it appeared that the defendant, by his own testimony, was throughout only an agent of Joseph L. Duryea, the Court decided that the case was against the wrong person, and that the only person liable was either the person directly negligent or his real employer, and not an intermediate agent.

The complaint was dismissed.

C. S. Spencer for plaintiff; Mr. Crosby for defendant.

Before Justice McCUNN.

GIFTS CAUSA MORTIS—WHEN VOID.

Charles L. Dexheimer, Adm'r., &c. agt. Conrad Gautier.

The plaintiff, as Administrator of his brother, Jacob Dexheimer, brought suit against the defendant for certain moneys and goods, amounting in all to about $500. It appears that Jacob, when entering the Army, placed these in the possession of the defendant, as the plaintiff claims, merely for safe keeping, as the defendant says as "an actual, free, voluntary, and valid gift, with directions to keep the same as a gift from him to the said defendant, in case of his death."

The Court held that the defendant's claim did not amount to a good title, and directed a verdict for the plaintiff.

John J. Freedman, for plaintiff; Stelkneckt & Hall, for defendant.

SPECIAL TERM—Before Justice ROBERTSON.

DECISIONS.

Henrietta Schmidt et. al. agt. Emil Heifurth.—Motion granted, and proceedings stayed.

In the matter of the appointment of arbitrators: Kiffer, guardian, *ad litem* of Louis Kiffer; Elizabeth Muger, an infant, agt. The Forty-second-st. Ferry & Railroad Company; Annette Francis agt. Meyer Rosenthal, sen., et. al.; Marshall Spring agt John Rochn r.—Motions granted.

COURT OF COMMON PLEAS—Dec. 11—Before Judge BRADY.

SUIT FOR COMMISIONS.

James A. Lloyd et al. agt. Edward Matthews.

The plaintiffs, who are real estate brokers, allege that certain premises were placed in their hands by the defendant to sell on commission, that they procured a purchaser, and that the property was sold for the sum of $120,000 to the Grand Lodge of Masons. On this sum they claim one per cent commission.

The defendant denies that the sale was effected by the plaintiffs, or that he ever authorized them to sell the property. He also claims as a point of law that a broker cannot recover commissions for merely giving such information as afterward leads to a sale.

The jury returned a verdict for the plaintiffs for the full amount claimed—$1,200.

Luther R. Marsh for plaintiffs; ex-Judge Pierrepont for defendant.

Kraner agt. Kaur.—Motion denied; see reasons. Muhlfeld agt. Christ.—Order granted. Noelens Child agt. Fitzinger—Motion granted on defendant's stipulating not to sue. Tripp agt. Lockwood—Motion denied. No costs. See reasons. Liston agt. Miles—Motion denied without costs. Cummings agt. Silburn—See mem. Beebe agt. James—Motion granted. Marsh agt. Gaubaudan—See opinion. Injunction dissolved upon terms.

Before Judge BRADY.

Bogert agt. Bogert—Decision with Clerk.

MARINE COURT.—Dec. 11.—Before Judge HEALY.

A COLLISION IN CENTRAL PARK.

James Shindler agt. Andrew G. Norwood.

The plaintiff in this case complains that in September last, while he was driving his carriage in Central Park, a carriage, occupied by the defendant's wife and driven by the defendant's servant, violently ran against him, upsetting his carriage and injuring his horse, beside inflicting severe injuries on himself, for all of which he claims $500 damages.

The defendant alleges that the accident occurred through the careless driving of the plaintiff, and sets up a counter claim of $3.

In the course of the evidence it came out that the carriage was the property of the defendant's wife, and, upon motion of the counsel for the defense, the Court dismissed the complaint, on the ground that the action should have been brought against the wife.

F. E. Marbury for plaintiff; David McAdam for defendant.

Before Judge ALSEE.

ACTION FOR SALARY.

Eugene Post agt. The National Life Insurance Company.

The plaintiff alleges that he was employed by the general agent of the Company as an assistant, in June, 1864, at a salary of $100 per month; that he performed the services incident to his position until December of the same year, and that he has never yet received any portion of his salary. He now brings suit against the Company. The defense set up is that the general agent had no authority from the Company to employ an assistant; that if he did so he must employ him himself. The Court charged the jury that if they found from the evidence that the Company accepted the services of the plaintiff, he was entitled to a verdict.

The jury found a verdict for the plaintiff for $300.

L. S. Thomas for plaintiff; J. O. Dunnick for defendant.

COURT CALENDARS—THIS DAY.

SUPREME COURT—CIRCUIT.

PART I.—Held by Mr. Justice BARNARD—Court opens at 11 o'clock a. m.

Nos.	Nos.
275—Kime et al. agt. Ford et al.	2391—Shupter, adm'r, agt. Nott.
745—Chamberlain agt. Salisbury.	2661—Samborn agt. Herring et al.
2071—Genet agt. Howland et al.	1890—Stephens agt. Donaldson et al.
2329—Waring et al agt. The Indemnity Fire Ins. Co.	655—Burke agt. Kelly, Sheriff, &c.

PART II.—Held by Mr. Justice CLERKE—Court opens at 11 o'clock a. m.

Nos.	Nos.
2530—Ulman agt. Marks.	2504—Brown agt. Raphael.
2534—Wright agt. The Mayor, &c.	2508—Daly agt. Woodruff.
2432—Lindley agt. The European Petroleum Company.	2560—Stansberger agt. Fisk.
2582—Bennett agt. Hyde.	2592—Harriman agt. Smith.
2584—Applegate agt. Van Ellenberg.	2606—Snow agt. Frierson.
2586—Barney agt. Carpenter.	2658—Cook agt. Kelly, Sheriff, &c.
2596—Brown agt. Central American Transit Company.	2612—Denniston agt. Liberty and London Fire Ins. Co.
2590—Watkins agt. Adams.	2614—Marrin agt. Clapp.
2592—Ebel agt. Lerwers.	2616—Nostrand agt. Reeder.
	2624—McNab agt. Sutherland.
	2620—Carrington agt. Thorp.

Part III.—Held by Mr. Justice MULLER, at No. 75 Duane-st.—Court opens at 10 o'clock a. m.

Nos.	Nos.
679—Nichols agt. Kelly, Sheriff.	1597—Stanton et al. agt. City of Brooklyn.
920—Same agt. Same.	969—Reinscheit agt. Stevens.
1065—Dusenbury agt. The Lenox Fire Ins. Co.	2069—Coughlan agt. Second-ave. Railroad Co.
1070—Same agt. The Globe Fire Insurance Co.	1379—Haggerty agt. Bunstein.
1071—Same agt. The Croton Fire Insurance Co.	1396—Wilmerding agt. The Same.
1072—Same agt. The Kings Co. Fire Insurance Co.	1989—Bryant agt. Hassell et al.
1073—Same agt. The Phœnix Fire Insurance Co.	2271—Coffin agt. Kelly, Sheriff, et al.
1074—Same agt. The 1st. Fire Insurance Co.	2316—Hall agt. Weckser.
1483—Venoist agt. Pinckney et al.	2173—Same agt. Same.
	2155—Weaver agt. The First Nat. Bk of N. O.
	506—Ielin agt. Beckley et al.

SUPREME COURT—SPECIAL TERM.

Held by Mr. Justice BALCOM.—Court opens at 10 o'clock a. m.—Demurrers.

Nos.	Nos.
23—Haerstef agt. Hurlburt.	27—Same agt. Thomas P. Lyman.
26—Osgood et al. agt. Rich et al.	

Issues of Law and Fact.

Nos.	Nos.
175—Williams agt. Hay et al.	536—Howbit et al. agt. Benschoff Run Pet. Co.
177—Hammersley agt. Byrne impleaded et al.	309—Same agt. Same.
130—Taylor et al. agt. Ketcham et al.	185—Schettler agt. Smith et al.
131 Calhoun assignee agt. Ketcham et al.	190—Hendricks et al. agt. Stark.
137—Cohen agt. Jackson.	374—Hunt et al. agt. Sanger et al.
145—Eisenberg agt. Pettingill et al.	190—Vollos agt. Collins.
184—Wile agt. Turnure et al.	194—Somers Rec'r, &c. agt. Adams et al.
323—Belden agt. Arnoux.	196—Bank of Manchester agt. Myers et al.
	196—Palmer et al. agt. Roe et al.

SUPREME COURT—CHAMBERS.

Held by Mr. Justice INGRAHAM.—Court opens at 10 o'clock a. m.

Nos.	Nos.
59—Shepard agt. Danforth.	115—Stevens agt. Copon.
67—Preston agt. Moore.	114—In re assessment of a sewer in Seventy-third-st., bet. Third and Fourth-aves.
68—Same agt. Same.	122—De Witt agt. Buck.
64—In re petition of Wheeler et al.	
84—Pelton, Rec'r, agt. Prescott.	
93—The People, &c., ex rel. Marsh agt. Beebe.	

General Calendar begins at No. 126.

SUPERIOR COURT—TRIAL TERM.

PART I.—Held by Mr. Justice MCCUNN.—Court opens at 11 o'clock a. m.

Nos.	Nos.
2055—Cuff agt. O'Reilly.	2712—Gross agt. Whitten.
2659—Stephens agt. Hoke, &c.	2719—McKee agt. Mess. et al.
2567—Melstrie agt. Dayton.	2725—Topping agt. Lynch, Sheriff, &c.
2724—Whittemore et al. agt. Levy.	2731—Ball agt. Herschhorn.
2711—Francis agt. Tallman et al.	2733—Rogers agt. Robbins, et al.
2619—Messenger agt. Smith.	2723—Stratton agt. Neefie.
2631—George the Count Joannes agt. Fisk.	2729—Sax agt. Dolinger.
1461—Spratt agt. Maitland, et al.	

PART II.—Held by Mr. Justice MONELL.—Court opens at 11 o'clock a. m.

Nos.	Nos.
2568—McCollum agt. The Arctic Fire Ins. Co.	2934—Lyon agt. Kelly, Sheriff, &c.
2326—Taylor agt. Ketcham et al.	2128—Bierce et al. agt. The Peoples Fire Ins. Co.
1964—Goodridge et al. agt. Nat. Fire Ins. Co.	2701—Ross agt. The Mayor, &c.
1936—Jones agt. Doran.	1572—Sessing agt. Howard Survivor, &c.
2475—Butler agt. McIlvaine.	2062—Glover agt. Whitcomb.
2966—Peck et. al. agt. Negbam.	2844—McGahey, adm'r agt. Hunter, et al.
2416—Ryan agt. Henry, jr., et al.	2842—Same agt. Same.
2872—Manhattan Gas-Light Co. agt. The Mayor, &c.	

COURT OF COMMON PLEAS.

PART I.—Held by DALY, J.—Court opens at 11 o'clock a. m.

Nos.	Nos.
1541—Van Dyke agt. Hatch.	1912—Frieber agt. Broadway and Seventh-ave R. Co. et al.
1697—De Coin agt. Burgess.	1913—Benham agt. Blossme.
1332—Bayley agt. Secor et al.	1463—Brimnell agt. Sulpman et al.
1855—Wood agt. Suit.	1665—Rasen agt. Kaye.
1858—Pearsall agt. Kipp.	1176—Phillip agt. Dowley et al.
1906—Merrifield agt. Waters.	1397—Morton et al., agt. Vaughan.
1839—Hyde et. al. agt. Van Valkenburgh.	1229—Wilson agt. Girodin.
1911—Jones agt. Rutgers F. I. Co.	

PART II.—Held by Judge BRADY. Court opens at 11 o'clock a. m.

Nos.	Nos.
1636—McFreeman agt. Street.	1140—Nelson agt. Kidder.
1814—Moynagh agt. Schepo.	643—Simonson agt. Brady.
1841—Potters agt. Third-ave. R. Co.	1397—Valentine agt. Howitt.
	1625—Nasser agt. Corwin.
1866—Holmes agt. Brundage.	1907—Doulop agt. Freeland.
1903—Moore agt. Lawrence.	160—Wood agt. The U. S. Patent Stirring Co.
1909—Am. Nat. Bank of N. Y. agt. Clapp.	
1910—Jones agt. Corn Ex. Ins. Co. of N. Y.	1817—Masterson agt. Kelner.
	1866—Schutt agt. Archer et. al.

MARINE COURT.

Held by HEALEY, J.—Court opens at 10 o'clock a. m.

Nos.	Nos.
35—Hall agt. Gregory.	83—Same agt. Same.
—Waters agt. The L., N. Y. Pilts. S. S. Co.	84—Hiah agt. Waters.
50—Ellison agt. Acton.	85—Beatty agt. Waters.
76—Thurber agt. Wood.	86—Sistler agt. O'Brien.
77—Black agt. Livingston.	67—Fowler agt. Hauser.
78—The C. Chemical Works agt. White.	68—Goetting agt. Ipel.
79—Simpson agt. Riley.	90—Same agt. schwartz.
80—McDonnell agt. Russell.	91—Anderson agt. Tetterich.
81—Hoffstetth agt. Schaefer.	92—Goetting agt. Kleinschmiltzer.
82—Templeton agt. Ingrain.	93—Whiteley agt. Shotwell.

CRIMINAL COURTS.

COURT OF OYER AND TERMINER.

[Before Judge Barnard.]

THE MYSTERIOUS MURDER CASE.—Leonard Fay, the prisoner who pleaded guilty last week to manslaughter in the fourth degree, on an indictment for the murder of Frederick Fitzenmeyer, on the last of September, was brought up yesterday to receive sentence. The prisoner's plea was voluntarily made, and there was no substantial evidence to prove him the perpetrator of the murder.

Yesterday the counsel presented testimonials showing the good character of the prisoner, and also his sworn statement of the circumstances attending the shooting, which has previously been shrouded in mystery. The prisoner states that the shooting was entirely accidental; that he and the deceased had been together all the evening and had visited several places of amusement; that they were accompanied by three companions; that they parted with them at the boarding-house in Frankfort-st., and went to an oyster saloon in William-st. to get some oysters, and when they came back in front of the boarding-house prisoner showed a pistol to deceased, stating that it belonged to John Pick, one of the parties who had been out with them in the evening; that prisoner stated that Pick wanted to sell it, and snapped it two or three times and it would not go off; that the prisoner and the deceased both spoke and said they did not believe the pistol good for anything; deceased again remarked that he did not believe it was loaded and took hold of it when it went off, causing his death. There was no words between the prisoner and the deceased, but they were the best of friends. This statement was accepted by the Court and the prisoner was discharged; sentence suspended.

CALENDAR FOR TO-DAY.—The People agt. John Daly, felonious assault and battery; the People agt. Michael Sullivan, manslaughter; the People agt. Henry Wagner, felonious assault and battery; the People agt. Patrick Borton, felonious assault and battery; the People agt. Patrick Kennedy, felonious assault and battery; the People agt. Isaac Rossdon, using metal knuckles; the People agt. Michael Connor, using slung shot.

COURT OF GENERAL SESSIONS.

[Before Recorder Hackett.]

OUTRAGEOUS ROBBERY.—John Toner pleaded guilty to petit larceny from the person, on an indictment for robbery in the first degree. The complainant, Matthew Breiner, was asleep on board a canal boat, of which he is captain, on the morning of the 19th of November, and was awakened by the entrance of the prisoner and five other unknown men into the cabin after they had broken open the door. They said they were in search of the captain of a certain vessel, and when told by the complainant that he knew no such person, they proceeded on deck, followed by him. The complainant then went to the provision chest to see if anything had been stolen, and when he came to return to the cabin he was intercepted by the prisoner and his companions. He pushed by them and they followed him into the cabin, blew out the light, and then seized him by the hair and throat, and struck him on the head with a brick, and then stripped him of his pantaloons, containing a small amount of money. The prisoner cried out to kill him, and the complainant then hollowed "murder," when his assailants ran away. Officer Jacob Van Gerichten of the Twenty-eighth Precinct Police heard of the trouble on the boat, and procuring the assistance of another officer, went on board and arrested the prisoner, who was just coming out of the cabin, and who was identified by the Captain as one of the robbers. The affidavit of the complainant proved the prisoner to be guilty of the serious offense of robbery, but his plea of a lesser crime was accepted by Assistant District-Attorney Hutchings, and he was sentenced by the Court to serve five years in the State Prison.

STATE PRISON SENTENCES.—Julius Ribelli pleaded guilty to stealing, on the 18th of October, twelve articles of wearing apparel, value $300, the property of Joseph Baldauff. The prisoner was seen in the room of the complainant in the afternoon by the landlord of the house, and was binding up the stolen articles in a bed-spread when arrested. The prisoner was sentenced to serve in the State Prison for two years and six months.

Isaac Smith pleaded "guilty" to stealing on the 10th of September five articles of jewelry, value $30, the property of Catherine E. Sharkey. The jewelry was taken from a closet by the prisoner, who ran away, but several days subsequently was arrested and voluntarily admitted that he was the thief. He was sentenced to serve in the State Prison for two years and six months.

George Schneider pleaded "guilty" to stealing ten undercoats, value $300, the property of a Broadway firm. The prisoner was given the costs to "make up," but never returned them. He was sentenced to serve two years and six months in the State Prison.

REMANDED.—William Bailey, indicted with two other men for stealing 60 yards of carpet, pleaded "guilty," and was remanded for sentence.

CALENDAR FOR TO-DAY.—The People agt. Thomas Biglin, James Biglin, Joachim Hermer, Edward Kettleton, John Foster, Thomas Kramer, James H. Walton, grand larceny; The People agt. Richard Moore, John Shannon, Philip H. Hargrave, felonious assault and battery; The People agt. William Ganty, Thomas Sullivan, Thomas Lynch, George Browne, burglary; The People agt. Louis Barrett, attempted burglary; The People agt. Jonathan Snyder, forgery; The People agt. William H. Harrison, John Perkins, James Gill, Simeon Jackson, false pretenses.

BROOKLYN NEWS.

THE WHISKY FRAUDS.—The case of the United States agt. Devlin, Tilton and Levan came up in the United States Commissioner's Court, Brooklyn, yesterday, at 10 a. m.

The first witness examined was Deputy-Collector F. W. Tappen of the Third District. He testified that he knew Tilton as an inspector, whose duties were to inspect gauge, and brand spirits; knew also A. J. Phillips as an inspector; by regulations their commissions expired Nov. 1, 1866; they were required to make monthly reports; there were applications made by Tilton and Levan to have liquors inspected and branded as made before September 1. Witness stated that he had known John Devlin as an assistant assessor under Mr. Robinson; did not know how long he held the place; he was reported to be a speculator. On his cross-examination Mr. Tappen stated that he did not know that either Devlin or Tilton were distillers.

Mr. George H. Birdsall, Chief Clerk of the Assessor of the