LOCAL MISCELLANY.

JOHN MILLER'S APPEAL.

HIS REASONS FOR RESORTING TO THE SYNOD.

The Rev. John Miller, whose trial before the Presbytery of New-Brunswick and suspension for alleged heretical doctrine contained in a book published by him has been reported in THE TRIBUNE, has taken an appeal from the Presbytery to the Synod of New-Jersey, and has served on the Moderator of the condemning Presbytery the grounds of his appeal. His first objections to the decision against him are that he was not charged with error contrary to any vital part of the Calvinistic system of doctrine, but only "with publicly denying and assailing important doctrines." The charge, therefore was insufficient as a ground for discipline. The errors alleged did not affect the Calvinistic system in particular, and to give ground for discipline they must be contrary to vital doctrines of evangelical religion itself, and this the Presbytery did not decide.

It was a mistake, Mr. Miller asserts, to declare him guilty of the doctrinal error that Christ had inherited from Adam a corrupt nature. His book depends on the contrary belief. To hold that intermediately between death and the resurrection the soul as well as the body is dead, if error, does not contravene any vital doctrine of the Calvanistic standards, nor does the holding that the sin of Adam was imputed to Christ, and so, though pure and incorrupt and needing no regeneration, yet he needed ransom. If it be error to deny that there are three persons in the Godhead, it does not contravene any vital doctrine. The doctrine of the Trinity has not been adjudged vital absolutely, but only relatively to the doctrine of the full deity of Christ and of Gospel grace through Him, and these doctrines are more efficiently supported by his (Mr. Miller's) doctrine than by the doctrine of the Trinity. The condemnations of the evangelical church have been against such denials of the Trinity as left to Christ a diminished, inferior or no divinity, neither of which flows from his doctrine, which gives even additional prominence to Christ's deity and to every vital doctrine of grace through Christ. He has offered no rationalistic conceit to take the place of substantial persons, but putting the one Jehovah immediately in Christ has made a denial of the Trinity for the first time unnecessary. He is, he says, a thorough believer in the great evangelical doctrine of grace through Christ, and a thorough Calvinist, and he denies that he holds any Pelagian, semi-Pelagian, Socinian, or Arminian errors.

He claims that the prosecution by silence admitted that no school or church before asserting Christ's deity, yet denying the Trinity, had been examined, and no minister for that cast out of the church. He charges that the Presbytery by ordering charges in two weeks and suspending him in five weeks after his book appeared, virtually offended the rules of Discipline by "declining to receive important testimony," and "hurrying to a decision before the testimony is fully taken," his book and its full understanding being the testimony. He charges that the specifications were made from dislocated passages, submitted not in their intended sense, but in a way most likely to shock those who for the first time heard them.

The unanimity of his condemnation, he says, should not weigh against him; there was no accuser, no squarely stated charge, no call of the roll on an unanimous issue; the word "important" was understood differently by different persons, the final vote was viva voce, and there was no division of the house. The proceeding was set on foot by a meeting of professors in a seminary residence at Princeton. They should have become prosecutors. Instead they made the case one of "common fame," though the book was just out. The court was the prosecutor. It was publicly announced by a prosecutor that the charges were screamed as to "force the accused to impale himself on the horn of a dilemma." Whatever that meant, it was not a good account of a paper designed to secure justice in a court of Jesus Christ. And what it actually betokened plainly appeared when the appellant, both in private and in public, begged to have it different; when he begged to have a square charge which he might meet with clearness; when he was refused the accusation that he held beliefs that "strike at the vitals of religion" (Dis. V. 13), or that he denied doctrines "essential to Christianity" (synod's Adopting Act, 1729), or that he was a guilty heretic in a way involving exclusion from the ministry; and when he was shut down to a paper so colorless as to be absolutely misleading—a paper exciting inquiries at the very moment of calling the roll—inquiries unanswered, and leaving the final question of a sentence, when, in form, all seemed over, to be really just then for the first time a hinge vote for the whole actual trial.

He argues that the proceeding is against liberty of conscience and against the spirit of union; that it exaggerates minor differences in a way to engender schism, it stifles frank research, and insists that the ancient men shall think for all time. The appeal concludes as follows: "Lastly, it encourages error. Luther and the first minds have denounced the doctrine of immortality. Calvin, and Melanchthon himself, have looked askance at what they treat as the traditional dogma of the Trinity. They have taken care to say that they would not be bound by the expressions of the Athanasian creed. Milton, Newton, and Locke, and that noblest of all witnesses, the pious Dr. Watts, were so moved against the Trinity as to become Arians, or the like, in order to get rid of it. The Presbytery has virtually forbid any other alternative. They have suspended a member who has shown how Newton could avoid the Trinity, and yet hold the Deity of our savior. And, making the question of immortality fast to the doctrine of the annihilation of the wicked, they have practically said, One shall stand with the other. They have told the Materialists death is no sleep at all, or else it is eternal. And they have told the Socinians, Christ is no God at all, except it be on a Nicean base; formulated in a rude age of the church; settled, as a frank Nicean artlessly explains, by the firm hand of the Emperor; empty of Biblical speech; and destroying that most beautiful of facts, the simplicity of the Almighty.

THE GUNSER MURDER.

MYSTIFYING STATEMENTS OF THE CHIEF WITNESSES.

The hotel of John Gunser, at East Williamsburgh, the scene of the murder on Sunday night, yesterday were its usual everyday appearance. The bar was open and liberally patronized. Mrs. Gunser still remains in her bedroom, and it is alleged that her injuries have at no time been either severe or dangerous. At the instance of District-Attorney Downing, Detective Stephen Payn of Queens County is now engaged in working up the case. Yesterday afternoon he made a thorough examination of the premises. Upon examining the stairs leading from the hall to the bedrooms, spots of blood were found upon the stairs and wall and on the landing at the head of the stairs there was found a large pool. Elizabeth Schmidt said it was nothing, "only a little blood where one of the children's noses bled a week ago." The inmates of the house have denied that any other person slept in the house on Sunday night. The detective, with some difficulty, obtained from August Gunser, the murdered man's son, the information that that was a lodger on Saturday night; that the same man slept there on Sunday night, and went away on Monday afternoon, leaving his valise as security for his lodging. Elizabeth Schmidt and Adam Martin afterwards admitted that this was true. The valise left by the lodger, who is described as a German of stout build and about 40 years of age, was found to contain only some clothing. It is in evidence that Mrs. Gunser's cries for Adam and the girl were heard between 11 and 12 o'clock on Sunday night. A witness has been found who, passing Gunser's about 12 o'clock, saw a light in the window fronting the road; there was also a light in the bar. He tried the door, but found it locked. He states that he distinctly saw a woman in the room up stairs, walking about.

Adam Martin yesterday stated that when Mrs. Gunser called, the girl was out first; when she got to the top of the stairs he passed her, ran down, and found Mrs. Gunser in the kitchen. She told him to go to the front door. When the girl came down Mrs. Gunser was in the kitchen. The girl yesterday told the officer that both Adam and the lodger were in the kitchen when she got down stairs. After considerable difficulty Payn succeeded in obtaining a statement, the fourth, from Mrs. Gunser, which differs materially from the others made by her. She stated that the first she knew she was hit with something. She then got out at the back side of the bed and ran to the kitchen. A man followed her, striking her, and when he got into the kitchen he shut the door. The man kept hold of her in the kitchen, holding one hand over her mouth. The detective asked her about the lodger, at which she appeared much confused. With apparent reluctance she said that the man who slept upstairs on Sunday night was the first to appear in the room when she called; that Adam did not come into the room until he had called the neighbors. In answer to a question as to where the stranger went, she replied that he was with some farmer whose name she did not know. Hell, who was arrested on Monday night, is still in custody in Newtown, but will be released today. Since the adjournment of the inquest on Tuesday evening, several important witnesses have been secured, whose testimony, it is expected, will throw much light on the murder and the relations of Mr. and Mrs. Gunser.

ADVICE FOR THE LIQUOR DEALERS.

CONFERENCE OF CITY OFFICIALS.

A conference was held yesterday, at which were present Mayor Ely, Police Commissioner Nichols, Excise Commissioner Murphy, Mr. Diefendorf, counsel to the Excise Board, and Michael Hahn, and Major G. W. Sauer, the last two representing the Liquor Dealers' Associations, to consult about the best means of avoiding difficulties which might arise between the authorities and the liquor dealers under the excise law, now that the Nachtmann bill has been tabled. The Mayor said that in his opinion the existing law, which was framed long ago, contemplated the regulation of inns and taverns in country places, and that the enforcement of that part of the law which required the liquor dealer to keep beds and shelter for beasts in a metropolis like New-York was ridiculous.

Excise Commissioner Murphy said that he would advise liquor dealers, after their present licenses expired, to apply for new licenses and pay the fees, taking a receipt from the Excise Board; this receipt would be regarded by the Excise Commissioners as well as by the Police Commissioners as a license. Liquor and beer dealers could pay the license for one year, or for a shorter period if they thought that the Legislature would still pass an excise law before its adjournment. Police Commissioner Nichols said that the Police Board did not intend to annoy the liquor and beer dealers, if they kept their places respectable, and did not allow them to become resorts for thieves and other disreputable persons, and if they kept their doors closed on Sundays.

THE ANNALS OF A FAMILY OF THIEVES.

"Wes" Allen, a notorious thief, who has already served a number of years in State Prison for felonies, was arrested yesterday on suspicion of robbery, at his house, No. 383 Waverley-ave., Brooklyn, where he has recently been living in luxurious style. He was charged with stealing a gold watch from William Taylor of No. 74 Bedford-ave., as the two were coming from Prospect Park last Sunday in a street car. The police have been watching the Allen house for some time, knowing the character of the two brothers, "Wes" and "Tre," who have been living there. The whole family are notorious for criminal offenses. "Matt" Allen is now serving a penal sentence, and John Allen was killed two years ago while participating in a robbery in Ohio. The Allen house lancar the Gunther jewelry store, which was robbed of $4,000 several weeks ago, and the Allens are suspected of this crime.

SUMMER'S SUDDEN ATTACK.

EFFECT OF THE HEAT IN THE CITY.

The weather played a successful joke on Wednesday upon the man who has been grumbling at the tardiness of the warm season. There was a touch of caloric in the air on Tuesday, but not enough to warn him what was in store the day after. Waking up on Wednesday ready to complain after the usual fashion at the chilliness of the air, he found his tongue suddenly tied as a memory of last Summer came over him, and he decided upon a change to thinner flannels. His astonishment was too great for utterance all day, and it was not until noon of yesterday, when the whole street seemed a radiator for the purpose of multiplying the rays of the sun, that he was able to declare it the hottest weather he had ever experienced.

The heat, although its suddenness in coming made it seem more severe than it really was, was not extreme enough to cause actual injury among the lower classes or among the horses of the city. The children of the poor, with their bare heads and bare feet and the "hoeped and windowed raggedness" of their garments, seemed to enjoy that which so disturbed the wearers of broadcloth and cassimere. Along the wharves dirty little boys turned out in docks, and one or two rash urchins tempted the water of the North River, but did not tempt it long. Lilac blossoms and the open horse cars were signs of Summer in the streets.

For the benefit of those who like a little science mixed with their discomforts the following facts were obtained by a TRIBUNE reporter last evening at the Signal Service Station: Hot weather and low pressure extend over the whole country, the mercury in many places going higher than in New-York. It reached 84° yesterday in Baltimore; 86° in Pittsburgh and La Crosse; 89° in Nashville and St. Louis, and the same in Marquette, which is known as a cool Summer resort; 84° in Philadelphia; 85° in Cincinnati and Louisville, and 82° in Cleveland, Keokuk, and many other places. The official figures yesterday for New-York were: 7 a. m., 67°; 7:47, 68°; 12:12, 79°; 2 p. m., 81°; 4:47, 76°. On the sidewalk, where there was reflected heat, not noticed officially, but nevertheless felt by the people, the thermometer reached 87° at 3 p. m. Local showers fell yesterday in nearly all parts of the country. One of these reached the city at 4:45 and cooled the air for a time, causing the mercury to fall 5° in as many minutes.

The following is a table of comparative figures as registered at Hudnut's, in Broadway. Their figures are a little higher than those of the Signal Office for the same time:

May 16, 1877.		May 16, 1876.	
3 a. m.	63°	3 a. m.	49°
6 a. m.	64°	6 a. m.	49°
9 a. m.	64°	9 a. m.	53°
12 noon.	76°	12 noon.	58°
3 p. m.	87°	3 p. m.	65°
May 17, 1877.		**May 17, 1876.**	
3 a. m.	68°	3 a. m.	48°
6 a. m.	67°	6 a. m.	49°
9 a. m.	74°	9 a. m.	56°
12 noon.	82°	12 noon.	56°
3 p. m.	84°	3 p. m.	57°

William Parkhurst was prostrated by the heat yesterday at Sullivan and Thompson-sts., and removed to the Chambers Street Hospital in a critical condition.

Frederick Friesen was sunstruck while plowing a garden at Tottenville, S. I.

COMMISSIONER RAUM'S INVESTIGATION.

Internal Revenue Commissioner Raum continued his investigations yesterday with a view to the consolidation of the collection districts in this city. The methods employed in the Fourth District by Collector Koster were the especial object of attention yesterday. Collector Koster has one of the most important districts in this city. His territory embraces most of the large breweries and many of the cigar and tobacco factories. Taking in as it does the Twenty-second and Twentieth Police Precincts, it is necessary that its deputies should be on the alert to discover illicit distilleries, which flourish most in this section of the city. Collector Koster related one instance last evening where it was found that the upper portion of a fine brown-stone-front house in a respectable neighborhood had been used as an illicit distillery, and the fact had been discovered only by accident. By the consolidation of this district with the one adjoining, Collector Koster said he believed his revenues would exceed $2,000,000. Commissioner Raum stated to a TRIBUNE reporter yesterday that the City of Philadelphia and also a portion of the adjoining country were contained in one collection district. In it were 1,458 cigar and 14 tobacco factories. Of this number, 500 cigar factories were outside the city. The entire business of this district was conducted by one collector at a central office, where the money was received over the counters and stamps and licenses issued in return. The Commissioner had not decided that night whether he should recommend the consolidation of the several districts in New-York City into one or two districts. But he said he felt satisfied that a consolidation could be made that would give the tax-payers equal conveniences with those enjoyed at present and the Government could save $35,000 a year by the change. Collector Koster expressed the opinion that if the city was embraced in one collection district the central office ought to be near Canal-st.

THE SECOND AVENUE RAILROAD'S NEW DEPOT.

The Second Avenue Railroad Company has recently begun the erection of a large depot on Second-ave., between Ninety-sixth and Ninety-seventh-sts. The building will be one of the largest of its kind in the city. The ground being marshy, men have been engaged for some time in driving piles, 4,800 in number, to the depth of 35 feet, so as to place the foundation on a solid bottom. The large foundation stones, seven feet square, are brought from Hallett's Point. It is expected that, if the weather is favorable, the building will be ready for occupation by Aug. 1.

The depot will have a front on Second-ave. of 202 feet, and will be 163 feet deep on the side streets, with an extension of 38 feet for an engine and boiler-room. Coal and storage sheds will occupy the remainder of the lot, 100 feet in depth. The ground floor will be occupied as a car-house, the central portion on Second-ave. being fitted up for passenger and conductors' rooms. The floor of the car-house will be of Belgian pavement. The next story will be used as a stable, accommodating 1,100 horses; also for building and repair shops and the offices of the company. The main portion of the third story will be vacant at present, but will be adapted eventually for stables. In the rear will be the paint shops and reciprocating machinery. The granary will occupy the fourth story of the rear building. It is stated that all the modern improvements and appliances will be placed throughout the structure. The contractor for the building will be of Philadelphia brick with trimmings of Nova Scotia stone. The cost will be about $150,000. The architect is John G. Prague.

TWO ATTEMPTS AT SUICIDE.

Francis Corran, age 33, a pianomaker, of No. 319 East Seventy-fourth-st., attempted suicide last evening by cutting his throat with a penknife. He was driven to the act by the intemperate habits of his wife, who for some months has been drunk the greater part of the time and has neglected her household duties. At a late hour last night Corran, who had been taken to Bellevue Hospital, became delirious, and the physicians thought that he could not live.

A prisoner in the Tombs, James Hicks of No. 311 East Forty-eighth-st., who has been confined there for some time awaiting trial for grand larceny, attempted to kill himself yesterday by stabbing. The keeper found him in an exhausted condition, and he was suffering from a severe cut in the neck and another in the right breast. Hicks was removed to Bellevue Hospital and attended by a physician. His injuries are thought to be serious.

TWO NEW SCHOOL COMMISSIONERS.

Isaac Bell and Samuel G. Jellife were appointed School Commissioners yesterday by Mayor Ely. Mr. Bell takes the place of Edward Schell, whose term was for 3 years, expiring Jan. 1, 1879, and Mr. Jellife succeeds Jacob Vanderpoel, the new Dock Commissioner, and his term will expire Jan. 1, 1880. Both Mr. Schell and Mr. Vanderpoel resigned. Mr. Bell has been in public life for many years, having been a Governor of the Almshouse and Commissioner of Charities and Correction for 14 years, a member of the Board of Supervisors for three years, a Commissioner of Emigration for a short term, and a member of the Board of Education. He is a life-long Democrat, and was a sachem of the Tammany Society for several years. Mr. Jellife is a member of the law firm of Kitchel & Jellife, was graduated from the College of the City of New-York in 1857, and was a tutor in the college for seven years. He has been identified as counsel with the reform wing of the Democratic party in this city in the preparation and argument of the various measures sent by the citizens' committees to the Legislature in 1872 and 1873 for the prevention of frauds in the city government. He is about 35 years of age.

A BRUTAL FATHER'S PUNISHMENT.

Antonio Leon, an Italian, made a murderous assault upon his married daughter, Rose Massimino, at her residence, No. 74 President-st., Brooklyn, on Feb. 16 last. She had accused him of committing an outrage upon her before her marriage. Antonio heard of this and went to her house in a great rage. He shot at her three times, threw her down, stamped upon her, clubbed her with the pistol butt, and left her for dead. Shortly after he was arrested and indicted on the charge of assault with intent to kill. On April 26 he pleaded guilty to the charge of simple assault and battery. On this plea Judge Moore yesterday sentenced him to the penitentiary for one year. The prisoner was formerly a watchman in the New-York Court-house. Rose Massimino, his daughter, has nearly recovered from her injuries. Her feelings toward her father are very bitter.

BENJAMIN NOYES'S TRIAL POSTPONED.

The trial of Benjamin Noyes, President of the National Capitol Life, indicted by the Essex County, N. J., Grand Jury for conspiracy to defraud the policy-holders of the New-Jersey Mutual Life Insurance Company, has been postponed till the September term. At the opening of the Oyer and Terminer yesterday Judge Depue was informed that Noyes was still absent, when he said that he did not think the interruption of civil business and prolongation of the term would be justifiable. He had arranged the civil business so as to complete it to-day and discharge the jury. The case was then postponed for the term.

THE LATEST HORROR.—Model Lady's Maid: Cook's not at all well, mem! Very bad dream last night, mem! Quite nightmare, I calls it. Newly Married Young Lady: You don't say so, Harkiss! What was it all about? Model Lady's Maid: Well, mem, she dreamt as how we were all sitting at dinner quite comfortable like, and she takes off the cover, and what do you think she saw, mem? Newly Married Young Lady: I can't guess, really. Model Lady's Maid (in tone of terror): American beef!—Judy.

In a court-room—A lawyer to his client: "I am sorry, poor fellow; but, notwithstanding my eloquence, you have been sentenced to prison for three months." "Oh, don't let that worry you," was the answer; "I am not sorry. In the neighborhood where I live they will think I have gone to the country, and that will give me social status."

THE COURTS.

THE OWNERSHIP OF A CHURCH.

The suit of Sarah H. Bostwick against Adolph Frankfield was argued yesterday on appeal before the Supreme Court, General Term. The Rev. George E. Thrall in 1870 leased three lots on Fifty-seventh-st., near Lexington-ave., from Frankfield for a place for a church. The original intent was to move a wooden church to the site, but this being against the building law, he put up a substantial church, costing over $20,000. In 1871 Mr. Frankfield signed a contract with Mr. Thrall for the sale of the lots for $35,000—to be null and void if not completed within two months. Mr. Thrall did not complete his contract, and a few months later Mr. Frankfield dispossessed him and tried to sell the property, receiving an offer of $32,500. This of course included the church with the lots.

Meanwhile Mr. Thrall mortgaged his interest in the lots to Mrs. Bostwick for $6,900, and Mrs. Bostwick bought in the rest of his interest on the foreclosure of a mechanic's lien. She then brought this suit to have herself declared the owner of the property, subject only to a lien in favor of Mr. Frankfield for the price agreed on in the contract with Mr. Thrall. Judge Van Brunt decided that the contract annulled the lease; that Mr. Frankfield's dispossession proceedings were void; that Mr. Thrall was a vendee in possession, and as Mr. Frankfield had taken no steps to declare the contract forfeit, Mrs. Bostwick's claim was just. The matter was sent to a referee to determine the amount due to Mr. Frankfield. After deducting certain mortgages and adding interest the amount found due to Mr. Frankfield was between $17,000 and $18,000, and a judgment was entered that the property be sold to pay this sum to Mr. Frankfield, and the balance to Mrs. Bostwick. The defendant appealed, and on the appeal claims that he never assented to the putting of an expensive church on his lots; that the contract became null by its own limitations; that Mr. Thrall acknowledged this by paying rent subsequently, and that the referee erred in his calculations. The court reserved its decision.

A CHECK TO STRAW BAIL.

Theodore F. Stratton, one of the oldest and most persistent "straw-bail" men in the city, will go bail no more for some years. After becoming a bondsman in a score of civil cases and in criminal cases in the United States Courts, he became known at the District-Attorney's office. When his confederate, Thomas L. Birch, was arrested for giving straw bail, Stratton tried to induce Isaac Waitzfelder to become his surety, offering to supply him with worthless deeds to enable him to show the requisite property qualification and to pay him in addition. Mr. Waitzfelder laid the proposition before Assistant District-Attorney Russell, and was told to go on with the negotiations. When Stratton had fully committed himself he was arrested. The jury in the Court of General Sessions yesterday convicted him without leaving their seats. Mr. Russell urged in view of Stratton's prominence among the straw-bail operators that he should receive the full penalty of the law, and Judge Sutherland sentenced him to imprisonment in the State Prison for four years and six months.

AN EXPENSIVE SHIP.

Herbert Lawrence, jr., and William Foulks (Lawrence & Foulks) in 1873 repaired the schoolship Mercury on her return disabled from a voyage to the West Indies, and sent in their bill for over $23,000. The work was done on the order of the Commissioners of Charities and Correction. The Controller refused to pay and Lawrence & Foulks brought suit. The city defended on the ground that the charges were too large, and that there should have been an advertisement for bids. The case came yesterday for the second time before Judge Van Hoesen, the city relying on the second ground of defense. Judge Van Hoesen overruled this defense and directed judgment for the plaintiffs for $29,118 87. This is the vessel that was withdrawn from the market a few days ago because the highest bid made was $5,100. J. S. Lawrence appeared for the plaintiffs; F. L. Stetson for the city.

MR. LOPEZ DESIRES HIS WIFE.

Joseph Lopez, whose marriage to Georgiana Morison has attracted much comment owing to the charges of her parents against him, has obtained from Judge Barrett, in Supreme Court, Chambers, a writ of habeas corpus, returnable next Saturday, and directing his wife's father, Frederick S. Morison, to produce the young woman in court. His petition sets out with legal verbiage that he was married to Georgiana Morison April 4, 1877, at No. 59 West Thirty-eighth-st; that she is detained from him as he believes, under pretense of her inbecility, illegally and against her will. He says she is of sound mind and understanding, and the pretence of her inbecility is merely in order to keep her from him.

A SHARP WARNING TO HACKMEN.

Benjamin Ecke of No. 463 Sixth-ave. met Peter Masterson, a cab-driver, on the night of May 8, at a saloon on Eighth-ave., and drank with him. Masterson offered to drive Ecke home in his cab, and on reaching Ecke's house demanded 50 cents of him. Ecke refused payment, and Masterson seized his watch, broke it from the chain, and drove away. Ecke followed him and had him arrested. Masterson pleaded guilty to larceny from the person in the Court of General Sessions yesterday, and Recorder Hackett sentenced him to four years and six months in the State Prison.

THE SWEENY STRUCK JURY.

August Belmont and Henry E. Davies, elisors in the Sweeny suit, met yesterday in the office of the Commissioner of Jurors, with Wheeler H. Peckham and S. P. Nash representing the people, Corporation Counsel Whitney representing the city, and William A. Beach, John Sickson and John J. Bradley representing Peter B. Sweeny. The list was completed and each side struck from it 12 names. The completed list was left with Henry E. Davies, who returned to given a copy to the press.

CIVIL NOTES.

Elizabeth Hardin has discontinued her three suits against Robert H. Corbett, her attorney in the contest over the Horton will.

Judge Barrett has denied the motion made by James A. Borland for a receiver of the New-York and Southern Steamship Company. He holds that, as the company is now insolvent and consists of the six directors and members of the company, under its constitution, it is not right to virtually give the winding up of the company.

Mrs. Marie Wittkaus, widow of Rudolph Wittkaus, applied yesterday to Surrogate Calvin for letters of administration on the estate of her husband, stating the personal property to be worth $1,000. Mrs. Fanny Dougherty, who claims $2,500 for services as housekeeper for Mr. Wittkaus, applied for letters of administration the same week, and claimed that the personality was worth $5,000. Mrs. Wittkaus was required to be bound proof of the value of the property.

Mary Jane Valentine, a maiden lady, living at No. 10 East Forty-third-st., died on Feb. 20, leaving an estate valued at $25,000. An instrument purporting to be her will was offered for probate in the Surrogate's Court. The witnesses to the paper were Miss Valentine's sister, brother, and mother, all of whom testified to signing the instrument without knowing its contents or seeing Miss Valentine's signature. The will was drawn by Miss Valentine herself, and differed from the usual form. Surrogate Calvin refused to admit it to probate, on the ground that it was insufficiently proved.

The suit of Valentine S. Lary, receiver of the New-Jersey and New-York Railroad Company, against the National Trust Company, has been decided by Judge Van Brunt, in Supreme Court, Special Term. The railroad company sold about $350,000 of its bonds at 30 cents on the dollar, and pledged a large portion which had never been issued to the public. Among the rest, it pledged with the defendants $1,000,000 of its bonds for a loan of $250,000. This suit was brought to restrain the sale of the pledged bonds by the Trust Company. Judge Van Brunt holds that, in the absence of a specific authority to sell these unissued bonds, the company cannot sell them, but to collect the money must await the foreclosure of the mortgage. Julian T. Davies appeared for the plaintiff, Arnold, Elliott & White for the defendant.

DECISIONS—MAY 17.

Supreme Court—Chambers—By Judge Barrett.—Trustees of the Lease and Watts Orphan House, &c., agt. Tolten and ano.—Report confirmed and judgment granted. Manhattan Gas Light Co. agt. Hooley.—Motion granted for the 26th inst. Percy agt. Settle and ano.—The clerk will retain and file this paper with the others and submit it to me when the orders on the motions are presented for settlement. Borland agt. The N. Y. and Southern Steamship Company.—The insolvency of the defendant is established, and there is no reason to apprehend any immediate steps by the creditors; in view of this fact, and also in view of the within request for non-interference submitted upon this motion by a large majority of the stockholders and creditors of the company, the court cannot upon a preliminary motion grant an order which would substantially wind up the company and prevent all further efforts at successful management; the plaintiff should be permitted to a regular trial of the issues at Special Term and the motion for a receiver should be denied, with $10 costs. Slatter of Peyster and ano.—I am not satisfied with the provisions as to the security to be furnished by the proposed trustee; he should either give security for the full amount of the principal or provision should be made for the payment of such principal directly into the Trust Company, only to be drawn upon the order of this court.

Special Term—By Judge Van Vorst.—Thomson agt. Thomson et al.—Judgment signed.

General—Part II.—By Judge Van Brunt.—Snyder et al. agt. Lowery.—Case settled.

Superior Court—Special Term—By Judge Sanford.—Robinson agt. Falconer.—Motion granted, with $10 costs. Levy agt. Grossman.—Motion denied, with $10 costs. North River Savings Bank agt. Foran et al.—Motion granted, with $10 costs, to be paid by defendants. Phyle agt. Winton.—The within adjustment of costs is hereby approved and affirmed, and the bill is adjusted by the Court at the amount therein specified. Seymour agt. Fellows.—Ordered on day calendar. Schanedy et al. agt. Keating et al.—The proposed order is not in proper form. Neill agt. American Popular Life Insurance Company.—Order denied. Drummond agt. Carleton.—Referee ordered. Lawrence agt. Wainwell.—Order granting amendment of note of appeal.

By Chief-Justice Curtis.—Harding agt. Harding.—Order granted; additional counsel fees, &c. Silva agt. The Metropolitan Drug Company.—Order sustaining taxation of costs, &c.

Marine Court—Chambers—By Justice McAdam.—Ballard agt. Reed.—Default opened; $15 costs to plaintiff, to abide event; cause restored to calendar for May 28, 1877. Bocard agt. Davidson.—Supplies approved. Derham agt. Gale.—Judgment for plaintiff. Ford agt. Gay; Meyer agt. Friedman; Warburton agt. Beebe; Pease agt. Hamilton.—Motions granted. Bradley agt. Ancel.—The process neither conforms to the old or the new form; the motion to set it aside will therefore be granted unless within six days the plaintiff amends his process and pays $10 costs. Williams agt. Churchill.—Motion granted unless plaintiff within six days amends his summons; without costs. Malten agt. Wells.—Judgment ordered. Bannerman agt. Gartner.—Default opened on payment within five days of $12 costs; answer to be served at same time. Colledge agt. Ferguson.—The charges will be examined into on oral proof on the 21st inst. at 2 p. m. Schneider agt. Hermann.—I cannot correct the attorney as upon default and without a trial; as he declines to appear, however, an attachment will be granted. Garson agt. Kalzenstein.—A. Kederer appointed; receiver. Schell agt. Schell.—See indorsement on papers vacating arrest conditionally. Fleischer agt. Hoper; Samuels agt. Allen; Derham agt. Gale; Goebel agt. Eisler; Seigel agt. Mola; Whalen agt. Lee; Kip agt. Fragve. Orders grant d. Bongage agt. Blumenstel.—Motion for short calendar denied, but plaintiff may have a reference if he desires one. Cohen agt. Hanack.—E. Jacobs, esq., appointed referee. Samuels agt. Howland.—James McNulty, esq., appointed receiver. Wray agt. Cuff.—See indorsement on papers. Vanderbogert agt. Beckman.—Order to pay over moneys granted. Keller agt. Sweet (2 cases); Osborn agt. Frank.—Defaults. Doherty agt. Hendy.—Judgment for defendant. Stewart agt. Julian.—Proceedings dismissed. Mead agt. Hart.—Complaint dismissed. Garson agt. Katzenstein.—Receiver's bond approved. Meeke agt. Rauby; Weisger agt. Deutrich; Pidcock agt. Underhill; Anthony agt. Darrow.—Orders granted.

By Justice Sinnott.—Baxter agt. Andrews. Motion denied without costs. Bonnell agt. Graham; Bischoff agt. Spitler; Carpenter agt. Harrison.—Orders settled.

CALENDARS—THIS DAY.

SUPREME COURT—CHAMBERS—BARRETT, J.

No day calendar.

GENERAL TERM—DAVIS, P. J., BRADY AND DANIELS, JJ.

1. Bell agt. The Mayor.
2. Frisbie agt. Young.
4. Alden agt. Robinson.
7. Cambell agt. Spratt.
10. Crosby agt. Day.
11. Harbison agt. Van Volkenburgh.
12. Brennan agt. The Liv. Life and Globe Ins. Co.
13. Woodruff agt. The Imp. Fire Ins. Co., London, Eng.
15. DePeyster agt. Lambert.
16. Marine Bank of Chicago agt. Van Brunt.
18. The People ex rel. Freeborn agt. Matsell.
19. Mech. Sav. Bank of Chicago agt. Carman.
27. Griffin agt. Hembck.
29. Dinkelspiel agt. Levy.
39. Brown agt. Simpson.
39. N. Y. Church Ex. agt. Miss. Society.
40. Matter of Hoffman.
41. Matter of Cameron agt. Frost.
46. Gill agt. Guard. Sav. Inst.
47. Matter of Guard. Sav. Inst.
50. Valk agt. Wickham.
51. The People ex rel. Heser agt. Aiden et al.
52. Wallace & Sons agt. Castle.
55. Nesbit, jr., agt. The Mayor.
56. Matter of Welsh.
64. Jacobs agt. Miller.
126. The People ex rel. Heser agt. Aiden.

SPECIAL TERM—VAN BRUNT, J.

390. Warren agt. Whiting.
264. Hicks agt. Martin.
408. Sickels agt. Richardson.
410. Rowland agt. Curtis.
414. Mansbach agt. M. L. I. Co.
416. Hall agt. Dilson.
417. Gray agt. Green.
418. Merchant agt. Silverstone.
419. Merchant agt. Silverstone.
423. Friedlich agt. Kreiser.
425. Bryan agt. The Tuxedo Belt Co.
429. Anderson agt. The Del. and H. Canal Co.
432. Seymour agt. Seymour.
435. Eno agt. The Mayor.
441. Peck agt. Peck.
442. Stoll agt. Recht.
451. Moulton agt. Bayles.
453. The Rector and Christ P. E. Church agt. Mack.
456. Waydell agt. Birdsall.
457. Grant agt. Palmer.
453. Grass agt. The N. J. Mutual Ins. Co.
460. Simonis agt. Rathbone.
462. Heimbolz agt. Best.
463. Josephthal agt. White.
465. The Rogers Loc. Works agt. Kelly.
470. Taylor agt. Broome.
471. Hollman agt. Schiffer.
473. Rice agt. Kircher.
478. McGahey agt. Wiskowski.
479. Doer agt. The Nursery and Child's Hospital.
480. Patton agt. Wakefield Earth Closet Co.
481. Langdon agt. Mayor.
482. Langdon agt. Mayor.
483. Langdon agt. Mayor.
484. Langdon agt. Mayor.
485. Wiles agt. Mayor.
486. Wilks agt. Mayor.
487. Naichlick agt. Mayor.
488. Kane agt. Mayor.

CIRCUIT—PART I.—DONOHUE, J.

Short Causes.

4773. Russell agt. McKeage.
4557. Fox agt. Hawkins.
3959. Schwartzkoff agt. Brisler, jr.
4187. Cotter agt. Kneeland.
4781. The Continental Nat. Bank agt. Hoskings.
4569. The Munnig and Mer. Bank agt. Comstock.
4329. Lester agt. Colocks.
4451. Zimmerman agt. Nicolay.
4301. Talbot agt. Aubrey.
4537. Hays agt. Wood.
4[illegible]. Bayless agt. Cockroft.
4731. Ten Eyck agt. Tucker.
4671. Campagna agt. Mott.
4317. Hoyt agt. Smith.
4939. Pope agt. McNider.
4967. Lynch agt. Jones.
4729. Dolen agt. Witzleder.
— — Wilkins agt. Serns.
— — Hance agt. Roseman & Peerless Paper Pattern Co.

PART III.—VAN VORST, J.

Short Causes.

3828. Griggs agt. Many.
3947. Rosen agt. Smith, jr.
4756. Story agt. Hill.
4566. Falconer agt. Tilden.
4541. The Nat. Stone and L. Bank agt. Freund.
2966. Rudd agt. Dreyfuss.
4936. Havermeyer agt. Essen.
4942. Pinckney agt. Thompson.
4929. Sabin agt. Bleckgood.
4569. Selwak agt. Bacon.
4922. The First Nat. Bank agt. Gerson.
3766. Kershaw agt. Kent.
4409. Johnston agt. Jenkins.
3779. Farmer agt. Robeson.
4426. Thompson agt. Hansel.
4869. Greenwood agt. Boden.
4186. Harrison agt. Withers.
177. Allen agt. Brookstreet.
1555. Schelly agt. Diehl.
4291. Bannon agt. Farnigan.
2602. The Hartford St. Boiler In. Co. agt. Mendge.
4196. Van Schoonhoven agt. Rowland.
4748. Hamin agt. Haughwout.
4398. Esler agt. Hunt.
4743. Vilar agt. Blakemore.
3209. Rowan agt. Lawler.

PART II.—TICKNOR, J.

919. Simpson agt. Bowen.
791. Smith agt. Mary.
3137. Gregory agt. Spaford.
2404. Handbich agt. Clara.
3147. Mount agt. Mount.
3127. Lorenzo agt. Antonio.
3692. Horan agt. Schappert.
3420. Jamesing agt. Lucius Hart M'f'g Co.
3139. Boughton agt. Whelen.
3550. Hall agt. N. Y. C. Artificial Silk Co.
3538. Anthony agt. Smith.
3[illegible]. Beck agt. Schaefer.
3[illegible]. Lyons agt. Pratt.
3672. Nelson agt. Nevins.
3603. Allred agt. Tabor.
3631. Greene agt. Bremer.
3503. Dorr agt. Fuller.
3570. Waldman agt. Meyer.
3510. Tuttle's Nat. Bank agt. Gessner.
3511. Same agt. Lewis, &c.
3512. Same agt. Lewis, &c.
3[illegible]. Sullivan agt. Thom.
3501. Alberti agt. Paoli Belt Co.
3506. Brown agt. Block.
3180. Schoer agt. Hahn.
3143. Same agt. Same.
3144. Dillin agt. Arnold.
3514. Torrobiano agt. Leonard.
3516. Boyd agt. Hebert.
3033. Pryer agt. Murray.

PART III.—ALGER, J.

Short Causes.

9222. Peters agt. McCormick.
9248. Rhelen agt. Higgins.
9367. Bailey W. Mach. Co. agt. Sanderson.
8194. First Nat. Bank of Hoboken agt. Many.
9122. Hopkins agt. Wemple.
[illegible]. Clark agt. McDermott.
8[illegible]. Reynolds agt. Salmon.
9386. Guggenheimer agt. Stevens.
7075. Gulland agt. Stringfield.
9241. Loughran agt. Sayles.
9247. Tuttle agt. Sohner.
9[illegible]. Peiss agt.