The Sun.

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ONE MORE POINT FOR HAYES

JUDGE BOND AS USEFUL AS WAS THE INFAMOUS DURELL.

Overriding Law and Precedent to Release South Carolina's Imprisoned Canvassers—Chamberlain to Inaugurate Himself as Governor at the Point of the Bayonet.

COLUMBIA, Nov. 27.—There is great excitement here over the anticipated interference by Judge Bond, of the United States Court, to release the imprisoned Board of Canvassers. It is believed that the Supreme Court will attach him for contempt if he interferes. A dispatch from Washington to the imprisoned board tells them to stick and that money has been sent on to pay their fines. The members of the board are very tired of jail life and are anxious for their release. The United States Court will meet to-day. Crowds of people are coming into the city to attend the courts and State fair, and also to witness the inaugural ceremonies.

1 P. M.—On application for writs of habeas corpus, the Board of State Canvassers were brought this morning into the United States Circuit Court, Judges Bond and Bryan presiding. The board were in the custody of the Sheriff of this county, who, through counsel, asked for time to make a return to the application for the writs. The Court signified that time would be granted, and that the prisoners would be held in the custody of the court pending the return.

The application was based on the ground that the board were discharging the duties of appointing Presidential electors when the Supreme Court of the State interfered. On a subsequent motion of counsel, time was granted until Wednesday, at 10 A. M., to make a return, pending which the board was placed in charge of the United States Marshal. The members of the board are now at large, but accompanied by deputy Marshals. It is understood that troops will be posted at the State House to-morrow, when the Legislature meets to organize.

The Democratic counsel and Democratic State Executive Committee telegraphed this afternoon to Chief Justice Waite, requesting his attendance at the United States Circuit Court on Wednesday, when the habeas corpus case of the State Board of Canvassers will be heard. Both parties are in caucus to-night. The city is full of people.

THE PROCEEDINGS IN COURT.

CHARLESTON, Nov. 27.—The proceedings in the United States Circuit Court to-day have caused considerable excitement and fulfil the prediction that Judge Bond, despite his denials to several parties, would interfere and release the State Board of Canvassers from their confinement. This morning early Corbin, the counsel for the board, filed a petition for a writ of habeas corpus before Judge Bond in Chambers to bring the State Board of Canvassers before the Circuit Court.

This petition, which covers from thirty to forty five pages, alleges that the members of the board have been condemned for a contempt of the Supreme Court in proceeding to jail for the performance of their duties in canvassing the votes for electors for President and Vice President of the United States; that they were performing those duties by authority of the laws of South Carolina, based on the Constitution of the United States, that there is no statute to appoint electors, that the Supreme Court has no jurisdiction in the matter, that all its proceedings are null and void, and that the members of the board are therefore held in custody by the violation of the Constitution of the United States, and they ask the Circuit Court to relieve them.

To the writ Sheriff Dent made return that he held the said members of the Board of State Canvassers by authority of a judgment of the Supreme Court of South Carolina for contempt. He made a copy of the order of the Supreme Court in relation to the board a part of his return, and produced the imprisoned board in court. Thereupon Mr. Clark, counsel for the Sheriff, with Gen. Wade Hampton, Bradley T. Johnson, moved to dismiss the petition on the ground that the Circuit Judge had no right, in the first place, to issue the writ, as the Circuit Court had no jurisdiction.

Judge Settle of North Carolina, and Judge Denny of Indiana, who appeared with Corbin for the petitioners, asked for time to prepare arguments on the question of the jurisdiction of the Court. Whereupon the final hearing of the case was postponed until Wednesday. Meantime the prisoners were directed to be placed in the custody of the United States Marshal, which means that they were set at large.

When the court met, 350 negroes—those who made the dollar and a half affidavits against the whites in Aiken and Edgefield counties—were present, drawn up in line. A motion was made by the counsel for these white prisoners for their release on writs of habeas corpus, or at least to give them the same chance that had been given to the negro witnesses before the Board of Canvassers; but Judge Bond refused to do this, and sent them all back to jail.

In the State Supreme Court United States District Attorney Corbin was brought up for contempt. The proceedings were begun by Settle, the defeated candidate for Governor of North Carolina, and by Judge Denny of Indiana. After preliminary argument the case was continued until to-morrow.

It seems pretty well understood that the State House will be garrisoned to-morrow with United States troops. If the Democrats refuse to attend, the lower House cannot organize. It requires 64 members to make a quorum. Leaving out Edgefield and Laurens, the Democrats have 56 and the Republicans 60 members. It is impossible to imagine how an organization can be effected unless Grant sends his troops and forces the Democratic members to attend and vote at the point of the bayonet.

A Protest against Placing Troops Under Gov. Chamberlain's Command.

COLUMBIA, Nov. 27.—The following despatch, signed by Senator Gordon of Georgia, Senator Johnson of Virginia, Gen. Wade Hampton, several Circuit Judges, a large number of State Senators and Representatives, white and colored, and many other prominent citizens of this State, has just been sent:

To the President of the United States.

We, the undersigned visitors from a distance, and a committee of the Democratic members elect of the South Carolina Legislature, the Democratic Executive Committee and citizens, having just seen, by Associated Press despatch, that Gov. Chamberlain has applied for United States troops to be placed under his orders at the assembling of the Legislature to-morrow, send this our solemn protest against the troops being placed under the command of Gov. Chamberlain. We have no objection to the presence of troops, and will cooperate with them in preserving the peace, but we protest against the use of the United States army in controlling the organization of the Legislature and enforcing the usurpation of Gov. Chamberlain, who has been defeated by the white and colored voters at the ballot box. There is not the remotest danger of disturbance of the peace by Democrats. If it occurs, it will be at the instigation of Gov. Chamberlain, whose partisans have taken the only lives lost in the late exciting canvass in this State. Not one drop of blood has been shed in any political disturbance, except by Republicans.

It is literally true that the Democrats received their greatest majorities in the counties where the United States troops are stationed. What pretence, therefore, is there for Gov. Chamberlain's demand for troops to keep the peace?

We refer for confirmation of these statements to the nominees of the United States forces at this place and elsewhere in the state.

THE FLORIDA CANVASS.

Six Gentlemen from Each Party to Witness the Count.

TALLAHASSEE, Nov. 27.—On Thursday two cases were argued, neither of which has been decided. One of these cases sought to enjoin the Governor from issuing a certificate of the election of electors without a previous canvass of the county returns by the Board of Canvassers, and the other of the cases sought to compel the board to proceed. The court has issued a restraining order to the Governor. The board was convened to-day. This is the practical effect of the litigation.

The certified copies of the official returns in the custody of the Democratic State Committee show a clear majority for the Tilden electors over and above all frauds. No returns have been shown by the Republicans, nor have any official figures thus far been disclosed.

MANTON MARBLE.

TALLAHASSEE, Nov. 27.—The Canvassing Board met to day at 12 o'clock in the office of the Secretary of State, Mr. McLin in the chair.

A protest was filed by the Republican electors against Attorney-General Cocke sitting as a member of the board, on the ground that he had virtually decided and given a decision prior to the assembling of the board, in that he had telegraphed that "the Democrats had certainly carried the State and that the Republicans could not oust them out of it."

Mr. Cocke said that he had sent the despatch to a friend in Baltimore who had asked his opinion, and who furnished it to the newspapers. He respectfully submitted that the despatch and the opinion therein contained did not disqualify him from sitting as a member of the board.

The protest was entered, and the board proceeded with the regular business.

Mr. Cow ill moved that Gov. Stearns and Gen. Brannon, commanding the troops at this point, be admitted to the sessions of the board.

Mr. Cocke moved to amend by adding the name of Mr. G. F. Drew.

The amendment was accepted.

The board then went into private session and adopted rules for its government. It was agreed to admit six gentlemen from abroad and six local politicians of each party to the sessions of the board.

Adjourned until 10 A. M. to-morrow.

TALLAHASSEE, Fla., Nov. 27.—The following are the rules adopted by the Board of Canvassers for its government:

The Canvassing Board will commence its duties on the 28th day of November inst., at 10 o'clock, and will meet daily thereafter at the same hour, unless a different hour be fixed, except on Sundays and holidays, and will remain as long in session each day as the necessities of the case may require, in order to facilitate the canvass within the brief period which remains for that purpose. The following rules of procedure are adopted and are hereby promulgated:

First—The office of the Secretary of State, where, by law, the board is directed to meet, being small, a limited number of persons only, not exceeding six in number, equally representing each political party, will be admitted to witness the proceedings, except when the board may think it necessary or desirable to close the door for deliberation.

Second—The Secretary of State shall open the returns from each county, whereupon the board will proceed to examine the same and determine from the face thereof, subject to final review, whether the legal formalities and requirements with respect thereto have been complied with; and, on an affirmative determination of such preliminary matters, the chairman shall announce the vote of the county.

Third—On the announcement of the vote of any county any person may give notice that said return and election, or the vote of said county or any precinct thereof, will be contested, and the clerk shall forthwith note the objection.

Fourth—In contestants, subsequent to the announcement, as aforesaid, of the results as appear on the face of the returns, must file with the board brief statements in writing, giving specifically the objections proposed to be made, with particulars of time, place, and circumstances, together with a statement of the relief demanded.

Fifth—In view of the fact that the board has no power to compel attendance or examination of witnesses, it will receive in evidence proper affidavits and also such official certificates as are made evidence by law and may be otherwise admissible. If either party desires to produce viva voce testimony they must submit to the board a brief statement in writing of name and residences of witnesses, and facts expected to be proved by them, and the board, in their discretion, will allow them to be examined, or examine themselves, upon the extent of which will be necessary depending on the time at the disposal of the board.

Sixth—The affidavits and documentary proofs on each side must be filed with the board in the office of the Secretary of State, and shall be accessible to the other side under such regulations as the Secretary of State may deem proper for the safe keeping thereof.

Seventh—All motions and arguments shall be in writing and signed. No oral arguments will be allowed.

Eighth—The concurrence of a majority of the board being necessary to determine its action, such concurrence with respect to any proposition or matter may be formally ascertained by vote upon a motion duly made and seconded or informally by the assent of at least two members.

Ninth—The board reserves to itself the right to make and announce such modification or addition to these rules as the exigency may require. Parties in preferring charges and in presenting their proofs and arguments should bear in mind that the canvass must be completed and the result reached in time for the electors to discharge their duty under the law.

Chief Justice Waite Urged to Go to Columbia.

By request of the Democratic State Committee of South Carolina, the following despatch was to-day sent by Mr. Hewitt, Chairman of the National Democratic Committee, to Chief Justice Waite:

NEW YORK, Nov. 27, 1876.

Hon. Morrison R. Waite, Chief Justice of the United States, Washington, D. C.

I am satisfied that your immediate presence in Columbia at this juncture may save the country from very grave complications. I hope that you may see your way clear to go.

ABRAM S. HEWITT,
Chairman National Democratic Committee.

To which the following reply has been received:

WASHINGTON, D. C., Nov. 27, 1876.

Hon. Abm. S. Hewitt, Chairman, &c.

The business of the Supreme Court requires my presence here.

M. R. WAITE.

THE LOUISIANA CANVASSERS.

Declining to Hear any Motions or Protests—No Progress Made in the Count.

NEW ORLEANS, Nov. 27.—The Returning Board met at 11 o'clock A. M. All the members were present, and a large crowd in the lobby.

The Visiting Republican Committee, Messrs. Stoughton, Van Alen, Kelley, Parker, and Hale, and of the Democratic Visiting Committee, Messrs. Palmer, Smith, Trumbull, and Julian, were in their seats.

During the proceedings, after calling the board to order, President Wells said that the board would decline to hear read any motions or protests whatever.

Democratic counsel objected to an entry on the minutes to the effect that rule 8 of the board had been modified so far as to allow the admission as rebutting evidence of ex parte affidavits in contested cases.

Col. Zachariah filed a protest against the sudden modification of the rule, on the ground that a change had been made after application of counsel for a modification had been refused, and that thus the Democratic Committee had lost the opportunity of preparing rebutting affidavits, while a similar privilege had been accorded to the Republicans.

The protest was not read or acted upon, but received and laid aside.

Mr. McGuinn, counsel for the Democratic candidates, filed a request that the ballot boxes of East Baton Rouge be sent for, in order that the tally sheets and statements of the votes sealed up in four of the boxes could be obtained and the votes counted. The documents were sealed up in boxes through ignorance of the law on the part of the commissioners of election. The Secretary of the board was instructed on Saturday to telegraph for the boxes, but failed to do so on the plea of want of funds. Sufficient money to pay all expenses was deposited with the Secretary by the Democratic counsel, and the incredibly mean excuse was made that there were Democratic majorities at the polls where the above mistake was made, and unless the tally sheets are procured the vote will be thrown out. The board there then went into executive session, and the room was cleared of all persons except members and committees.

In executive session, the board examined returns from the following parishes and wards, viz.: Bienville, West Baton Rouge, Bossier, Caldwell, Carroll, Claiborne, Jefferson, Morehouse, Rapides, Red River, St. Landry, Webster, Winn, and the First, Second, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Thirteenth, Fifteenth, and Seventeenth Wards of the parish of Orleans. These returns were examined and laid over for future action, there being protests and contests in each case.

In the Seventh Ward of Orleans parish the Supervisors threw out the vote of one of the polls, where there was a majority of 175 for the Tilden Electors, on the ground that the vote had not been returned and returned within twenty-four hours after the close of the election.

The board then adjourned until 10 A. M. to-morrow.

FIT ONLY FOR THE PENITENTIARY.

J. Madison Wells a Defaulter—Gov. Kellogg Bribing a Supervisor.

NEW ORLEANS, Nov. 27.—An examination into the old records of the Auditor of State discloses that, in the year 1840, J. Madison Wells, Tax Collector of Rapides parish, was a defaulter for $12,000. After nineteen years of grace, Wells failing to restore to the treasury his defalcation, in 1859 Gov. Wickliffe ordered him to be prosecuted. His bonds and securities were ascertained to be worthless, and before Wells could be brought to punishment greater events took up the public attention. This Wells is President of our Returning Board.

Ex-Supervisor Bein of De Soto confessed himself to-day. He made a sworn statement that when he arrived in this city with the returns of that parish in his possession, in 1874, he went to the office of the Secretary of State to file these returns according to law; that Kellogg personally offered him $1,775 if he would retain and conceal them until too late to be counted, and Kellogg promised a so to quash a duelling indictment pending over him if he would comply. He concealed the returns, Kellogg paid him $500, and gave him a recommendation to Senator Wells, in Washington, signed by several Federal and State officials here, that he be given a Federal office. He establishes the truth of the statement in every particular, implicating the Deputy Collector of the Port and other officials. This disclosure excites no surprise, except in the national committees. The returns from seven parishes now in this city are in like manner withheld from the Secretary of State, and suspicion points to Kellogg as the cause of their retention. In 1874 Kellogg gave the returns to Lou Dudley, proprietress of a third-rate bagnio, and she burned them. The missing returns now here will probably share a similar fate.

The board did no canvassing to-day. They tried to open and read the returns of Orleans Parish. According to rule 8 these returns were protested again on grounds of intimidation, and were postponed. Ten other parishes were opened and protested against. The few remaining Democratic parishes will be opened and protested against to-morrow. On Wednesday the board, having nothing else to do, will be compelled to canvass or throw out the vote of some of the Democratic parishes. Not before that day will the really delusive count be begun. Next Monday the tax defaulter, the negro gambler, and the colored undertaker, composing the majority of our Returning Board, will name their choice for President.

A Missouri Elector Said to be Ineligible.

ST. LOUIS, Nov. 27.—Considerable comment has been indulged in here, growing out of the fact that Gen. D. M. Frost, one of the Democratic Presidential electors of this State, has been pronounced ineligible. Gen. Frost is a graduate of West Point. He served in the army several years, and was in command of the State militia at Camp Jackson, in this city, when it was captured by Major Lyon in May, 1861, and subsequently served in the Confederate army. He claims to have a pardon from President Andrew Johnson, and that therefore his disabilities have been removed. The Republicans, however, assert that Johnson's pardon stands for nought against the constitutional amendments on the subject of disabilities, and that he cannot act legally as an elector.

Judge Bond to be Backed by Bayonets.

WASHINGTON, Nov. 27.—A consultation was held at the White House last evening between the President and members of the Cabinet, at which it was decided to sustain Judge Bond in South Carolina in his probable conflict with the courts of that State.

THE EASTERN QUESTION.

An Army for the Grand Duke of Russia—The Coming Conference of the Powers.

LONDON, Nov. 27.—A special despatch to the *News* from Berlin says: "There are contradictory reports as to the formation of a Russian army on the Vistula. My own information, despite denials, is that a Vistula army is being organized, and will be commanded by the hereditary Grand Duke, with headquarters at the important railway junction of Skierniwice, a town of Poland, forty-two miles west-southwest of Warsaw."

A *Times* special says that the Grand Duke Michael Nicolaievitch, Jr., and Gen. Skobeleff will accompany the Grand Duke Nicholas to the headquarters of the army in Southern Russia.

The Paris correspondent of the *Times*, discussing the prospects of the conference at Constantinople, says: "People even affirm that the Marquis of Salisbury, the English Plenipotentiary, though on principle opposed to foreign occupation, has not an absolute predetermination even on that point. He will discuss, with unbiased mind, the question of a collective occupation within limits which cannot alarm the Porte nor excite the suspicions of any Power."

The *Times*, in a leading article, also openly favors collective occupation. It says: "The occurying force should, in case of each province, be procured from some Power which cannot be suspected of harboring any designs upon the province in which it is placed. No objection could be raised to this as long as the force furnished is trustworthy and sufficient. The jealousies of the guaranteeing Powers and the antipathy of the Porte may be allayed by the adoption of this salutary principle."

A telegram from Ragusa says: "M. Jolnin, the Russian representative in Montenegro, has started for St. Petersburg in obedience to a telegraphic summons."

A telegram from Belgrade says that Gen. Doctoroff, the former chief of Gen. Tchernayeff's staff, who lately proceeded to St. Petersburg on a special mission, has telegraphed Gen. Tchernayeff that the Czar stated during an audience that he greatly relied on the Russian force in Servia, and charged him (Gen. Doctoroff) to inform the Russian officers remaining in Servia that the war is instituted in Turkey. The Grand Duke Nicholas on Sunday telegraphed to Gen. Tchernayeff, requesting him to come to Kischineff. Gen. Tchernayeff will probably start on Thursday next for that place.

LONDON, Nov. 28.—The *Standard's* Paris correspondent says the feeling gaining ground that Russia will be glad to retreat from a position involving disastrous war, if she can do so without losing prestige.

The Berlin despatch to the *Standard* says England would not oppose Russian occupation of Bulgaria if Germany and Austria guarantee that the occupation shall only last until affairs are regulated. Germany, it is understood, refuses to enter upon such guarantee. In Russian and German diplomatic circles it is doubted whether the Conference will be able to settle the complications.

POLICE SERGEANT MILLER'S CASE.

Appealing to the Court of Appeals for Reinstatement on the Force.

ALBANY, Nov. 27.—The case of Augustus Miller agt. The New York Police Commissioners was argued before the Court of Appeals to-day. Charles F. McLean, counsel for the Police Board, appeared for the respondents, and Louis J. Grant for the appellants. Miller, a sergeant of police, had been found guilty of misconduct in having left his post and visited a liquor saloon while on duty, and being dismissed from the force therefor, appealed to the courts for reinstatement. The General Term, composed of Judges Lawrence, Davies, and Daniels, before whom the case was argued by Oakley and Wm. W. Goodrich, for Louis J. Grant, and John Fellows, affirmed the decision of the Police Board somewhat tardily, Judges Davis and Daniels holding that the judgment was harsh, though not unjust, while Judge Lawrence declared it to be positively unbearable in law. Hence the case was carried to the Court of Appeals, where it was heard today. Mr. McLean made an extended argument, showing that the reversal of the decision of the court below would demoralize the whole police efficiency of the city by opening up a thousand or more cases of the same nature, and by detracting directly from the supremacy of the Police Board in the management of the police affairs in the city. He cited the fact that the Governor had, on May 17, 1875, vetoed a bill providing for such rehearings as this case contemplated, wherein he held that such a law would seriously impair the discipline of the force, besides being prolific in case of restoration, of claims for back pay. The Court took the papers and reserved its decision.

A QUARREL IN THE FAMILY.

Kings County Republicans Accusing Each other of Fraud.

The Thirteenth Ward Citizens' Association met at 139 Broadway, Williamsburgh, last evening and perfected arrangements to defeat, if possible, the officeholders' ticket at the primary to-day. Wm. H. Palmer presided, and addresses were delivered by Wm. G. Siebert, Wm. Wilson, W. H. Irving, and Demas Strong. The speakers accused the officeholders of fraud to perpetuate their own continuance in office, but the general demand was for a change. In order to do this it was necessary to hold the line of voters and prevent the imported voters from New York, and Custom House and Post Office men non-residents from voting. Mr. Sommers accused the Executive Committee of the Republican General Committee of distributing bags of votes on election day containing Democratic tickets, and said in return they were helped to carry the primaries, fraudulent voters by the score being accepted by the inspectors of election in order to defeat the rank and file of the party. Workers at the polls were then appointed.

Jay Gould in Court.

The "Black Friday" suit of Isaac M. Busainger against Jay Gould and J. B. Baen, was brought to trial yesterday in Supreme Court Circuit before Judge Donohue. The suit is to recover damages for failure to perform a contract to buy $50,000 of gold at 160 on Sept. 24, 1869.

The damages claimed were $12,000 with interest, making about $18,000 in all. Albert Speyers, through whom the contract was alleged to have been made, was the first witness, but he was allowed to give very little testimony. Judge Donohue excluding all that took place between him and James Fisk, Jr., and everything about transactions of the day previous.

Jay Gould said that he knew of no orders given to Speyers to buy gold. Henry N. Smith, then a member of the firm of Smith, Gould and Martin, said that he had no conversation with Speyers about buying gold on Black Friday. After the plaintiff was examined in his own behalf, the case was closed, and Judge Donohue directed a verdict for defendants.

Drowning Himself from a Ferry Boat.

An unknown man, twenty-five years of age, jumped from the stern of the ferry boat Warren of the Grand street line, as she was entering the slip on the Brooklyn side last night. An effort was made to save him, but his body floated down with the tide. It was picked out of the river at the foot of South Sixth street. Before the ambulance arrived the man was dead. He was 5 feet 10 inches high, had light hair and moustache. The body was stress in broad cloth coat, Scotch tweed vest and pantaloons, white cotton undershirt, new congress gaiters, white shirt, and black necktie. There was nothing on his person to lead to identity.

A Railroad Ordered to be Sold.

MEMPHIS, Nov. 27.—Judge Trigg of the United States Circuit Court to-day issued an order for the sale of the Memphis and Paducah Railroad on petition of the first mortgage bondholders.

Vienna Rolls.

Full directions for making the celebrated Vienna Rolls, are made with the Royal Baking Powder at the Centennial, sent free. Address Royal Baking Powder Co., New York, stating where you saw this notice.—*Adv.*

Cognacs bottled in the Jonzac Distilleries; also in wood. Victor E. Mauger, sole importer, 110 Reade street, New York.—*Adv.*

MARRIED BY AN INDIAN.

Perhaps the Most Singular of all the Recent Suits for Divorce.

Mary Ann Davis's suit for divorce from Samuel H. Davis was dismissed by Judge Van Brunt, yesterday, his Honor saying that Mrs. Davis was more entitled to the sympathy of the court than Mr. Davis, there being no doubt that when she was married to Mr. Davis she supposed that she had the legal right to do so, and did it innocently, communicating to him all the facts in relation to the marriage in the Indian Territory. The only question of fact was the determination of the character of the ceremony which was performed in the Indian Territory, in October, 1869, between Mrs. Davis and J. M. Taylor, at which the Indian preacher officiated, and which was performed in the presence of "Pomp," Mrs. Davis's sister.

It appeared that Mrs. Davis was then a widow, having been married to a man named Vance, who was then dead; that her sister "Pomp" was married to a Col. Taylor; that Col. Taylor had a son by a previous wife, named J. M. Taylor, and that he lived with his family at Bonham, Tex. The married sister was extremely desirous that her sister should be married to J. M. Taylor, and she had promised to do so within two years. The sister, not content with that promise, desired that some ceremony should be performed, so that there would be no doubt of her being Taylor's wife after her sister's death. The ceremony was not performed in Texas because it could not be kept a secret, which was considered necessary. They left Bonham for the ostensible purpose of going to the river, sixteen miles distant, to pick plums. They met at the river J. M. Taylor, who had gone from Bonham by another route. Without picking any plums, Taylor and the two sisters at once crossed the river, and continued their journey in the Indian Territory until they arrived at a log cabin inhabited by a man who presented to the Indians. The character of the ceremony did not fully appear, but she said that she did not intend it to be binding, because they gave false names, and the preacher was not an ordained minister. Her belief as to the effect of false names, Judge Van Brunt says, is shared by others. "In fact," said he, "I recollect that one of the English novelists has made the plot of his novel turn upon the fact that a marriage was void because the husband was married under an assumed name."

His Honor comes to the conclusion that a marriage *per verba in presenti*, and not a marriage *per verba in futuro*, as is now claimed by Mrs. Davis, was performed, and he regrets that he has to come to decide that the marriage was valid, and Taylor being alive, the subsequent marriage with Davis was void.

A FORTUNE FOR CHARITY.

A Wealthy Man's Specific Legacies to More than Thirty Institutions.

Ephraim Holbrook died in 1852, leaving property property worth at that time about $280,000, but now worth more than double that amount. He left a will, by which, after making some legacies which have been paid, he gave to his wife certain property absolutely, the income of the remainder of the estate to go to her during life, with a power to her to direct by will who should have $30,000 of the capital. After her death the executors were directed to pay, within three years, specific legacies to a number of charitable institutions, among which were included the ward school trustees and the Board of Education. The residue was to be divided equally between five charitable institutions and Samuel R. Betts. The whole number of charitable institutions, besides the school trustees, was about thirty. The executors brought suit in the Supreme Court to test the validity of the various provisions of the will, and the case came before Judge Van Vorst. The number of counsel who appeared on the trial was over twenty-five.

Judge Van Vorst rendered his decision yesterday, his opinion covering 146 pages. He upholds the bequests and Mrs. Holbrook's will in most of their provisions. The New York Protestant Orphan Asylum, one of the residuary legatees, had at that time $176,250 of property, while its charter restricted its property to $200,000. The court therefore deducts $2,650 from the amount, which would go to the institution by the will. The American Missionary Society, to which $10,000 was given, loses the whole, the Judge holding that because it was not then incorporated it was alien. The Marine Bible Society loses its bequest for the same reason. Each department, male and female, of the public schools gets $500 for a library. The void gifts go to the heirs-at-law, and not to the residuary legatees.

J. S. THAYER FOR COMPTROLLER.

The Aldermen will Take Time to Consider Mayor Wickham's Nomination.

The expectation that Mayor Wickham would nominate a successor to Comptroller Green filled the Aldermen's chamber with crowds of thirsty politicians yesterday. After the reading of the minutes, a communication from the Mayor, enclosing the opinions of William M. Evarts and ex-Judge Emott, that under the charter he had the authority to nominate a Comptroller, was read. A second message from the Mayor, nominating James S. Thayer for the office of Comptroller was then read. On motion of Alderman Seery the nomination was laid over until the board's next meeting.

Mr. Thayer is a member of the Tammany General Committee, a director of the Continental National Bank, and Vice-President of the Real Estate Trust Company. He was once Public Administrator.

ALBANY, Nov. 27.—James S. Thayer was at the Delevan this afternoon visiting his brother Adin, the Canal Commissioner. When he received a despatch from Mayor Wickham, announcing that he had been nominated for the Comptrollership of New York city, he said that he could not decide whether he would accept or not; but as the importance of the occasion impressed itself upon him he took the next train at five o'clock for New York city. The appointment was an entire surprise to him, not even a hint having been given him that he might be the appointee. While he was waiting for the train, Senator Kernan, who had read the afternoon newspapers, approached him and congratulated him upon the appointment and urged him to accept. Mr. Thayer was even then unable to make any certain reply. Adin, his brother, and Judge Emott, who met him on the way to the depot, also urged his acceptance, but he was unable to decide.

A PETITION NOT SIGNED.

An Invitation that the Gold Room Republicans Might Have Accepted.

The following petition, prepared by Netter & Co., 52 Exchange place, was posted in the Gold Room yesterday for signatures, but not a single Republican signed it:

Inasmuch as the present condition of public affairs, giving rise to the Tilden Conspiracy, has created a great and general distrust among the people, which has already seriously disturbed business, and is likely to disturb it still more seriously for months to come, unless the canvass of Votes in certain disputed States be conducted with the utmost impartiality and fairness, so as to convince the whole community that the will of the people, as expressed by their ballots, will be carried out and not defeated by partisan contrivances.

We, members of the Republican party, who voted for its national candidates, unite in urging upon all who are intrusted with the responsibilities bearing upon the result, to discharge their duties promptly, impartially, fairly, and in the presence of representatives of both parties, throughout the entire proceedings, so that by an honest count, and a true return of the votes actually given, the agitation of the public mind may be prevented, the guilty be arrested, and our country still not confidence in the integrity and efficiency of republican government be preserved.

Burglars Caught.

John Dawson of Metuchen, N. J., was awakened early yesterday morning by a noise in his store. He summoned several of his neighbors, and captured two men. A third, who was on guard, escaped, though half a dozen shots were fired at him. The prisoners gave their names as William H. Taylor of New York, and John Frederick Cooper of Philadelphia. They had loaded revolvers in their pockets and a full kit of burglar tools in their possession. They had bored holes around the woodwork in the doors until the locks were removed, and packed up the most valuable stock for removal.

The Cane Crop in Cuba.

HAVANA, Nov. 27.—Cane grinding was commenced on Nov. 15 on several sugar estates, but met with poor results. The cane was found to be unseasoned in consequence of long drought. Since then, however, rain has been abundant, and many planters will begin grinding within a fortnight. Contracts for future delivery of the new crop are reported to have been closed at the outports at 7¾@7¾ reals, gold, for 96 degrees centrifugal, and 11 reals, gold, for centrifugals, the amount sold aggregating 4,000 hogsheads.

Killed by his Friend.

Thomas J. Brockaw, aged 21, and Thomas Teeple, at the residence of the former, in Samptown, N. J., sat on the porch on Saturday evening, and Brockaw sang, while Tuple fired a revolver at a certain mark. The pistol was accidentally discharged. The ballet tore Brockaw's thumb and struck his friend on the top of the frontal bone, making a circuit of the head and fracturing the skull for over twelve inches. Brockaw died nine hours later.

Chateau Lagerosse, pure delicate Clarets, in quarts, pints, and casks. Victor E. Mauger, 110 Reade street, New York.—*Adv.*

THE CASE OF MRS. GLEASON.

PICKED UP IN THE STREET AND SENT TO AN ASYLUM.

The Former Wife of a Millionaire and the Once Belle of the Metropolis—Hurried to the Island and Tortured in a Straight Jacket.

"Man's inhumanity to man makes countless thousands mourn." "Take that for your text," said a city official, "when you write the story of Mrs. Waitie Annie Gleason. The history of her life would bring within its compass the names of those upon whom America has placed her brightest garlands. She is the only daughter of Judge Sleeper of Belfast, Me. Two of her brothers live in that city, one in Chicago, and the youngest has cast his lot in California. Waitie Sleeper married Mr. John T. Gleason. Her husband had ample means by inheritance, but lacking a practical knowledge of the world, he became an easy prey to all who professed friendship. Something over twenty-five years ago Mr. Gleason and wife journeyed to this city. His wealth and her beauty made a flutter in society circles. No fashionable gathering was complete without the presence of Mrs. Gleason. The most notable in the land—Webster, Clay, Chase, Calhoun—all bowed at the shrine of her chaste and intelligent womanhood. When the Prescott House was opened, some twenty years ago, Mrs. Gleason was then the acknowledged belle of the city. She took under her care two nieces, and gave to them all that her wealth and position could afford. One now rests in Greenwood, the other is the wife of a wealthy resident of Brooklyn.

"Mr. Gleason in his careless improvident way gradually lost his property. In 1861 he was a poor man. Through friends he was made Surveyor of the port of Port Royal, when that barbarous act was taken from the Confederates. Returning to New York just at the close of the war he was given a position in the Custom House at a salary sufficient to sustain himself and wife in moderate comfort. Unfortunately his health broke down and death soon left Mrs. Gleason a widow.

"Here began her troubles. Alone, forgotten, forsaken, she strove to face the world alone. Year after year she struggled on—first this piece of jewelry, then that dress—to meet the weekly requirements, until her grand wardrobe was reduced to the simple apparel of a woman overtaken by poverty. She appealed to friends of a gone day, but in the majority of instances her appeal was in vain."

"Why was Mrs. Gleason sent to the asylum for lunatics?"

"All I know about it is this: On the 31st of October Mrs. Gleason came to my office, and said she owed $15 board to Mrs. Jack in Forty-second street, and she either had it to pay, or else her baggage was to be seized and herself turned into the streets. She brought me that day a very rare and valuable book, requesting that I would raise money on it to pay her board. She was very much excited; her mind seemed to be wandering, so much so that had my clerk been in I should have attended her home. The next I heard of her she was in a cell room on Blackwell's Island. She had been much abused, and her body showed the marks of ill-treatment. What occurred before she reached the Island I do not know except from hearsay, but I inquired into her treatment in the asylum. She was placed in a dark cell soon after her arrival, and soon afterward one of them attacked her, tearing the dress from her shoulder and sinking the nails into her flesh. She was not removed from among these lunatics, and a few days afterward the same one who had tore her dress struck her on the head with a chair with such force as to render her unconscious. A lady friend having accidentally ascertained that she was in the asylum, proffered protection and care and demanded her release."

Mrs. Gleason, on her release, went to her Lassau street, took a car, intending to return to her home in Forty-second street. On the way she missed her shawl. The excitement and the loss combined rendered her almost frantic. She jumped from the car, strained her ankle, and, not knowing where she was, wandered into Broadway, where she was found by a policeman bitterly bemoaning her loss. She was taken to the Mercer street police station and examined by Dr. Doran. Subsequently an ambulance was sent for and under a certificate of insanity from Dr. Doran she was sent to Bellevue Hospital. There she was received by the matron in charge of the wards for the insane, Mrs. Margaret McArdle, who proceeded to apply the most extreme measures. A Mr. McNamara was called in, and a straight jacket applied to Mrs. Gleason's body. Her jewelry, about the value of which there seems to be a difference of opinion, was taken from her, and she was sent to the Island. For six days she laid in this cell, and from thence was transferred to the Island.

The reporter yesterday asked Warden O'Rourke for the papers in this case. "Why, we have no papers," said he, "except the ambulance certificate of Dr. Disbrow and the entry on our books that Mrs. Gleason was sent to the island."

"Have you no commitment?"

"No; the commitment comes on the certificates of the physicians that she is insane; that paper we send with the person to the island."

"Then the original proceeding against a lunatic in your charge commences on a commitment to the asylum?"

"I suppose so. The Commissioners of Charities and Correction have appointed two physicians in lunacy—Dr. Brekes and Dr. Smith. Their decision is final with me."

"Suppose a person wasn't insane and they said he was, what then?"

"Oh, but they wouldn't, because they know."

"Then men's incarceration in a lunatic asylum depends upon the knowledge—to say nothing of the good will of two physicians appointed by the Commissioners?"

"Well, that's the custom and that's the law."

The reporter found Mrs. Margaret McArdle.

"You had charge of Mrs. Gleason?"

"Yes, but I never took a thing from her that I did not account for. All she had was pinchbeck jewelry and $2.60 in money."

"She said she was maltreated by you."

"She was violent and I had to put a straight jacket on her. You know this is hard to do, and I had to call in a man to help me."

Dr. Brekes, one of the physicians appointed by the Commissioners, when asked whether he had any authority for detaining the inmates of the asylum, said: "It has been the practice for me to examine these patients first, then for Dr. Smith to do likewise; if we agree a commitment to the lunatic asylum is made out, to which we both concur. It is then presented to one of the Judges, and they approve it without further question."

"Are you sure that no Judge questions the legality of such proceedings?"

"Well, Donohue, Barrett, and McAdam always approve without question. Judges Daly, Sheridan, and Alker object on the grounds that such commitment is illegal."

Mrs. Gleason has been released from the Island, and is now an invalid in a friend's house in Fifth avenue.

Trying to Free a Murderer.

Leonard Schum and Conrad Stahl quarrelled over a pretty German girl at a Newark ball, and Schum stabbed Stahl in the abdomen. Stahl died almost instantly, and Schum fled. He was subsequently arrested, and narrowly escaped the gallows, the jury after long deliberation compromising on a verdict of murder in the second degree. So overjoyed was the prisoner, he exhausted his counsel in his anxiety to express gratitude. The Judge after receiving a sentence of twenty years' imprisonment. He has served seven of the years, and his friends now are to make application for his pardon on the ground that he acted in self-defence.

Almost Strangled by a Set of False Teeth.

Mrs. Mary Mahone of 104 East Forty-second street, while eating dinner yesterday, suddenly sprang from the table and ran into the street, gesticulating wildly. A rabble soon gathered about her, and with hoots and yells pursued the woman through the streets. An officer of the Thirty-fifth street police took her to Bellevue Hospital. Dr. Woodruff found lodged in the woman's throat, the upper plate and a set of false teeth, completely obstructing her power of speech, and almost suffocating her. After it was removed the woman went home.

The Sunday Morning Prize Fight.

The prize-fighters who were marched to the Essex Market Police Court yesterday morning, having been arrested in Owen Geoghegan's saloon at 103 Bowery, were followed by representatives of the "Hook gang" and their friends. Geoghegan, being asked what he had to say, replied: "I do not own the place. The man is in court now who owns the place." Geoghegan was released under $2,000 bail. Dennis Donovan, who discharged the barrel of a pepper-box pistol at Officer Reilly, was held under $2,000 bail. Twelve others were committed for ten days.

One Jury Not Wanted.

Charles T. Hilz, of 45 Greenwich avenue, testified in the General Sessions yesterday that on the 28th inst., at Canal street and the Bowery, he found George Conway's hand in his pocket. Conway said that he was