WAGING WAR IN THE COURTS.

A Hard Struggle for the Mastery Between Railroads in New Jersey.

TRENTON, March 9.—A remarkable legal battle is being waged in the Court of Errors and Appeals. The big maps and models give the court room the appearance of a school of civil engineering. Most of the leading lawyers of the State are enlisted on one side or other of the contest. Attorney-General Stockton and ex-Attorney-General Gilchrist appear for the trustees of the State School Fund. Ex-Senator Frelinghuysen, ex-Chancellor Williamson, and ex-Senator Taylor represent the Central Railroad Company of New Jersey, and Thomas N. McCarter has charge of the interests of the heirs of the late Asa Packer and those of the Lehigh Valley Railroad Company.

The case is an appeal from the Chancellor's decision refusing an injunction to the Central Railroad Company forbidding Sheriff Laverty of Hudson County to deliver to the heirs of Asa Packer a deed of what is known as the West Line grant, which Mr. Packer bought from the New Jersey Riparian Commissioners in 1872.

In the early years of the war the Central Railroad Company pushed through its line from Elizabeth, over the Communipaw shoals, to the Hudson River. It bought long strips of water front from private owners, built viaducts, and filled in until it had taken up vast tracts of riparian lands, its only title to which was its ownership of a narrow strip of shore front. It was not until several years afterward that the doctrine of the State's ownership of riparian lands was settled by the New Jersey courts, and a commission appointed to supervise their sale. For more than ten years the Central Railroad successfully resisted the State's efforts to make it pay for the riparian lands on which it had squatted.

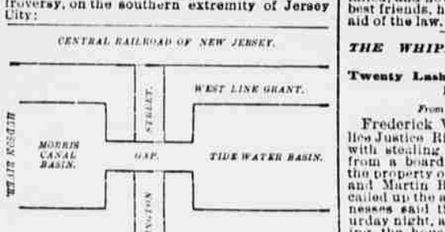
In the mean time, in 1872, a new railroad, to be called the West Line Railroad, was projected. After a long negotiation with the Riparian Commissioners, a grant was made to the West Line road of a strip of riparian land adjoining the Central's terminus, and to the north of it. The new grant terminated at the westerly extremity of the Morris Canal basin. The price fixed was $125,000. The scope and purpose of the new project was better understood, keeping in view the fact that Asa Packer's name appeared among the directors, when it was announced about the same time that the Lehigh Valley Railroad Company had taken a ninety-nine years' lease of the Morris Canal and the franchises pertaining to it. It became apparent that the real purpose was to enable the Lehigh Valley Railroad, which then had its eastern terminus at Easton, on the Delaware, to get a terminus on the Hudson River.

When this project became fully understood, the Central, to which it threatened direct competition, set about fighting it in the courts. It claimed that the land in question was the Central's property. A suit was begun under the name of John Taylor Johnston, President of the Central, in the United States Circuit Court in New York, he averring that he was a resident of New York; and an injunction was issued out of the circuit court forbidding the completion of the purchase.

Asa Packer had paid one-third of the purchase money down and given a mortgage for the remainder to the trustees of the State School Fund, into which, by law, moneys received for riparian lands are paid. It was not until the appointment of Attorney-General Stockton, in 1875, that the injunction in the United States Court was dissolved. Asa Packer, meantime, had refused to pay interest on the mortgage to the trustees of the School Fund until the question of the validity of his title was settled. The trustees proceeded to foreclose, and Sheriff Laverty of Hudson County knocked down the property on the bid of an agent of Mr. Packer, who would thus have had the added strength of a Sheriff's deed were it not that Judge Francis S. Lathrop, receiver of the Central, which had then been recently thrown into bankruptcy, got a preliminary injunction restraining the Sheriff from the delivery of the deed.

Upon argument before the Chancellor, about a year ago, he refused to grant the injunction. The Central Railroad Company, through its receiver, appealed, and it is the hearing of this appeal in which the court is now engaged. One point made against the Central's claim of title to the land covered by the West Line grant is that the Central did not take title from the State until 1875, when it compromised by paying the State $300,000.

It is a curious coincidence that Judge Lathrop, who is a member of the Court of Errors and Appeals, but of course does not sit in this case, is President of the Riparian Commission, and was so in 1872, and that as such he urged upon Asa Packer the very purchase which, as receiver of the Central, he now seeks to enjoin. He was even instrumental in securing the necessary legislation for the establishment of a tide-water basin adjoining the West Line grant on the north, and which was dedicated to the public forever. This was a strong consideration with Packer in making the purchase, as it would give him about 3,000 feet of wharfage room on its front. The following diagram will show the situation of the grant which is in controversy, on the southern extremity of Jersey City:



It is over the question of bridging the gap marked in the diagram at Washington street, a passageway 200 feet wide, connecting the canal basin with the tide-water basin, that the great controversy has raged in the Legislature for several years past. The local authorities having refused or failed to bridge the gap, the Legislature has repeatedly been appealed to to make them do it. The Lehigh Valley Company, now owning the West Line grant, contends that the effort of the Central to get the bridge results merely from a desire to destroy the value of the grant to them, a competing company, by cutting them off, with their ferries and their freights, from the Hudson River.

FATALLY ASSAULTED ON HIS TRAIN.

An Erie Brakeman Clubbed and Shot by Three Men who were Stealing a Ride.

PORT JERVIS, March 9.—Jehiel Aumick, a brakeman on the eastern division of the Erie Railway, was assaulted early this morning, and so badly wounded that it is doubtful whether he recovers. From Aumick's ante-mortem statement it seems that while he was on the cars going through Goshen he saw three men get on a car. When the train arrived near Sterling Junction he went to the car in which the men were, probably for the purpose of putting them off the train. When he got near to them one of them wrenched the brake stick from his hand and struck him over the left eye with it. Aumick yelled for help, and the same man who struck him pulled a pistol and shot him. The two then clinched, and in the scuffle which ensued Aumick was thrown from the car.

When the train stopped at Sufferns, Aumick was missed, and the engine was started back in search of him. He was found lying alongside the track near Sterling Junction, groaning, and in a semi-unconscious condition. He was taken to Sufferns, put on a stock train, and brought to Port Jervis. He was at once taken to his boarding place here and a physician called. He found that the pistol ball had struck Aumick in the right side of the lower jaw, knocking out some teeth and passing through the right side of the head. From this wound the brains were oozing. A severe wound was also found over the left eye, where he had been struck with the club. As it was dark when the assault was made, Aumick was unable to give an accurate description of the men. The one who struck and shot him was short and thick set, and wore a cap. Neither of them had beard or moustache.

Aumick's switch key is missing, and it is thought that this may have been the object of the assault. This is the second case within two weeks that shots have been fired at train men. A shot fired at Engineer J. L. Smith of the Delaware division of the Erie road struck in the woodwork of the cabin within a few inches of Smith's head. Aumick is very low, and is not expected to live through the night.

Talmage on Emmet.

The following letter from Dr. Talmage was read at the celebration of the birthday of Robert Emmet in the Brooklyn Academy of Music on Tuesday evening:

BROOKLYN, March 8, 1881.

Committee of Invitation:

GENTLEMEN: Engagement to be at another meeting will hinder my accepting your invitation to speak at the Academy at your assembly in honor of Robert Emmet. The pronunciations of his name makes my heart beat like a muffled drum. His eloquent speech will not cease its reverberation till the last oppression in all the earth has ceased. Let others rights out the particulars. I give as my opinion that Ireland will not be as independent of all other Governments as is the United States. How? When? I leave that to Omnipotence. I am neither monarchist nor Nihilist, but it is to communism to take the theory that a comparative few have a right to gather up the resources of the world and crowd others off into squalor and worthlessness, giving them no chance in the world of the blessings I am a Communist. Every industrious and virtuous citizen has a right to a livelihood in Ireland and everywhere else. By the throne of the Eternal God I assert it, that truth and liberty and justice shall yet be triumphant over all their foes. Give my salutation to the meeting, and tell them to pitch their tents toward the sun rising. Yours &c.

T. DEWITT TALMAGE.

SEEN IN A TRANCE.

A Clairvoyant Professing to Tell what Became of Missing James Orr.

The cause of the disappearance of James Orr, who started from his home at 214 Rutledge street, Brooklyn, at 5¾ o'clock on Friday morning for his place of business with Schultz, Southwick & Co. at 111 Cliff street, remains a mystery. Mr. Orr was 61 years old. He was for twenty-five years an employee of the firm, and was foreman in the hide department, receiving a large salary. It was a part of his business to purchase hides in the swamp, and he always paid cash. He was, in consequence, in the habit of carrying money with him, and when he disappeared he had about $200 in his pockets. He carried also a gold watch worth $500. Mr. Orr was six feet tall, and very stout and muscular. His home life was peculiarly happy. He spent much time in his well-stocked conservatory in winter and in his garden filled with roses in summer. He had a wife and five small children, as well as two adult sons by a former marriage.

When last seen he was in a Lee avenue horse car, sleeping in a corner. He is not known to have been seen in the Roosevelt street ferry-boat, by which he had travelled to and from this city for sixteen years. He had brain fever some time ago, and had ever since that time suffered occasionally from vertigo. On the night before he disappeared he said to his wife, when he returned home from a business:

"Gussie, it seems to me that I stagger some."

Mrs. Orr is prostrated. A neighbor residing next door to the Orrs said last evening that she believed Mr. Orr was drowned. When asked why, she said that she had yesterday visited a clairvoyant, who minutely described Mr. Orr's drowning. The clairvoyant, she said, was not one who professed to be such, but one who was a neighbor and a physician, with clairvoyant powers. The neighbor wanted it to be understood that she had never believed in clairvoyants, and did not believe in them now, but she should hereafter believe in them if the story that this clairvoyant tells should prove to be founded on fact. When she went to the physician's house, she said, the physician exclaimed, on entering the room:

"Joseph! Joseph! Joseph!"

This was before her errand had been made known. Then the clairvoyant added:

"Robert, Robert, Robert; for God's sake come and help me!" and yet the woman had not put herself into a trance state. After the trance was brought on the clairvoyant described Mr. Orr's movements after getting on the boat at South Seventh street, Williamsburgh. He had taken a Grand street boat instead of a Roosevelt street boat, and then entered a car at Grand street, New York. A vertigo had seized him, and he did not know what he was doing. The street car took him to a Jersey City ferry, but whether he walked upon the boat or walked off from the wharf into the water the clairvoyant could not say. Instead of turning toward the right, he turned toward the left—that was all she could see.

Then the perspiration stood upon the physician's face, hands, and arms, and she seemed to be suffering all the agonies of death. The visitor felt of the clairvoyant's face and hands, and they were as cold as ice. After describing how Mr. Orr died, the clairvoyant accurately described his clothing, even to the two suits of underclothing that he wore, one of red and the other of white flannel. She said that the body would not come to the surface for two or three weeks, and that it would be found on the Jersey shore.

After this interview, Mr. Orr's son, Robert Orr, a well-known member of the Seawanhaka Yacht Club, visited the clairvoyant, and the same scene was gone through with.

PROSECUTING HIS CHILDREN.

A Brooklyn Father who Says he Only Appeals to the Law to Save Them.

Upon complaint of John Grace of 87 Douglass street, Brooklyn, his daughter, Maria C. Grace, aged 18, was yesterday committed to the House of the Good Shepherd by Justice Ferry for six months. Her father said that she had become so wayward that he was obliged to adopt harsh measures with her to save her from ruin.

A few days ago James Grace, aged 22, John Grace's son, was arrested on a charge of intoxication and petit larceny, preferred by his father, and was sent to the penitentiary for four months by Justice Ferry. On March 4, Justice Ferry found William J. Grace, aged 33, another son, guilty of habitual intoxication, on complaint of his father, and sent him to the penitentiary for three months. The only member of the family who has not been arrested is a 14-year-old son, who accompanied his father yesterday. He promises to be a comfort to his parents.

The daughter wept bitterly as she was taken to the carriage for removal to the House of the Good Shepherd. She promised to be obedient if given one more opportunity to reform, but her father was relentless. He said in explanation that he had tried in every way he could think of to save his children from ruin, but had failed, and now, acting under the advice of his best friends, he had determined to invoke the aid of the law.

THE WHIPPING POST IN VIRGINIA.

Twenty Lashes on the Back for Stealing a Parcel of Clothing.

From the Richmond State, March 1.

Frederick William Davies was before Police Justice Richardson this morning charged with stealing a lot of clothing valued at $29 from a boarding house on Fourteenth street, the property of Francis Sawyer, James Mundin, and Martin Beddinger. When the case was called up the accused pleaded guilty. The witnesses said that Davies came to the house Saturday night, and yesterday he was seen leaving the house with a bundle under his arm. The landlady's suspicions were aroused, and upon investigation it was discovered that clothing belonging to some of the boarders had been stolen. The police were notified, and Sergeant Jeter of the lower police district took the case in hand, and succeeded in arresting Davies in the evening, and subsequently recovered the clothing, which had been pawned for $3.

The Justice found Davies guilty and sentenced him to be punished with twenty stripes and to leave the city immediately. The accused is a young man, 19 years of age, with light hair, large blue eyes, smooth face, about five feet six inches in height, and has not the appearance of being a thief.

Davies said that he was a native of Cardiff, Wales, and was educated at Lonsdale College, Bridgewater, in England, for the ministry. He arrived in this country last December in search of employment. Finding he could not secure a position in New York he left for Philadelphia, where he was also unsuccessful. He arrived here Saturday night without money, and not being able to pay his board bill, stole the clothing to get money.

Among the articles found in the possession of the accused were two handsome prayer books, upon the fly-leaf of which was written, "Presented to F. W. Davies by B. P. Lamberton, Trinity Church, New York." Also a diary in which was written, "To Frederick William Davies, Lonsdale College, Bridgewater, Sept. 26, 1880, by his friend Harry Owen Brown."

Robbing a Widow of her Savings.

Mrs. Rosanna Points, a widow, who has a candy store at 24 Park avenue, Brooklyn, being distrustful of banks, kept her money, amounting to about $250, tied up in a handkerchief, and concealed between two mattresses. Some boys in the vicinity learned of this, and on Tuesday night, while she was temporarily absent, they entered her premises and stole the money. Joseph Stone, aged 14, of 213 Hudson avenue, was arrested on suspicion of being the thief, and upon information received from him the police arrested William Lendum, aged 14, John Bedington, aged 16, John Lynch, aged 15, James Bogan, aged 15, and Daniel Sheridan, aged 16. The police discovered that there was a conspiracy to rob the woman among the prisoners, and that they shared the proceeds. Some of them made a disturbance in front of the candy store, while one ran in and stole the money.

An Incendiary Shot.

CINCINNATI, March 9.—Wesley Harrison Smith, a gigantic negro, was shot and killed near Campbellsburg, Henry County, Ky., by a band of ten masked men, when in the act of setting a barn on fire on Monday night last. Ten days before incendiaries have occurred in that neighborhood in twelve months. Some of the violaters, who were masked and secreted in the barn, and who shot Smith, are on the Coroner's jury holding an inquest on the body.

Arrested for Murdering their Son.

YOUNGSTOWN, O., March 9.—William Trotter and his wife were arrested in Hillsdale last night on a charge of murdering their son William. The boy had been fined $5 for disturbing a religious meeting, and his father went him severely after the lawsuit, and struck him a blow that knocked him down a flight of stairs. His mother was arrested as an accessory.

Court Calendars This Day.

SUPREME COURT—CHAMBERS.—Nos. 15, 27, 35, 41, 62, 70, 82, 83, 93, 104, 115, 120, 142, 143, 146, 156, 158, 200, 201, 208, 209, 213, 212, 220, 230. GENERAL TERM.—Nos. 3, 7, 14, 15, 274, 403, 484, 498, 499, 501, 502, 503, 506, 508, 448, 509, 511, 512, 513, 515, 516, 518, 519, 521, 524, 525, 526, 527. SPECIAL TERM.—Nos. 1025, 825, 922, 953, 948, 953, 1073, 1075, 7, 9, 727, 931, 941, 943, 952, 967. TRIAL TERM.—Part I.—Nos. 1024, 1027, 1040, 808. Part II.—Nos. 1066, 2880, 2872, 2391, 1298, 2511, 2108, 2695, 2912, 2827, 2519, 1778, 2498, 620, 2867, 2119, 2032, 2734, 2446, 2.14, 2400, 2561, 2663, 2667, 2447, 2646, 2649, 2666, 2664, 2665, 2536, 2630, 2660, 2662, 2663, 2664, 2667, 2668, 2670, 2660, 2664, 2666, 2669, 2667, 2668, 2669, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2683, 2684, 2685, 2686, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2697, 2698, 2699, 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710,