CHARGE OF MURDER ON THE HIGH SEAS.

The Judge's Charge—Verdict of the Jury—Acquittal of the Prisoner.

UNITED STATES CIRCUIT COURT.
Before Hon Judge Nelson.

TRIAL OF DANIEL MOLONY, CAPTAIN OF THE SHIP ROSCIUS, CHARGED WITH THE MURDER OF EMANUEL.

TENTH DAY.

JUNE 11.—The Court this morning was, as on every day of the trial, densely crowded in every part. Judge Nelson, at a quarter past ten, proceeded to charge the Jury. He said:—

Gentlemen of the Jury.—The prisoner is indicted for the murder of a person by the name of Emanuel, on board an American ship, the Roscius, upon the high seas, some time in the month of January last, on a voyage from Liverpool to this port. This Emanuel was one of the crew who had joined the ship at Liverpool. He died about the middle of the voyage. The fact of his death is not a matter of dispute. The material questions, therefore, in the case, are—

1. Whether he was murdered on board the vessel?—and, if he was, whether or not the prisoner at the bar, the master of the vessel, is guilty of the offence?

The indictment that we are trying, charges that Emanuel was murdered on board the ship, and that the master, the prisoner is the person who committed the crime; and it will be for you, upon the principles of law which I will presently state, and upon the facts in the case, to determine by your verdict, whether or not the charge thus made against the prisoner is true?

There are some general principles governing this offence, that it will be important to bear in mind as they will be material in helping you to arrive at a proper conclusion upon the facts; for by applying these principles to the evidence, when canvassing and weighing it, you will be enabled to determine intelligibly whether Emanuel was murdered on board the vessel, and if he was, whether or not the prisoner is chargeable with the crime. Murder, as described in brief words, is the killing of a human being by another, with malice aforethought—that is with premeditated malice, which may be either express or implied.

The malice necessary to constitute the crime, is not confined to an intention to take away the life of the deceased; but includes an intent to do an unlawful act, which may probably or naturally end in depriving the person of life.

Express malice is usually shown either by words or actions, which furnish evidence of a design to take the life of the person. A case of this description is plain, and requires no illustration.

The case of implied malice is not so obvious. It may be implied or presumed, from circumstances of cruelty and oppression attending the killing or the death, evincing a wicked and depraved heart, regardless of human life; as if, upon a sudden, and without adequate cause or provocation, one person beats another in a cruel and unusual manner, so that death ensues, though it was not intended.

This principle is exemplified by the instance of a park-keeper who tied a boy, whom he caught stealing wood, to a horse's tail, and dragged him along, and death ensued; or the case of the schoolmaster who stamped violently upon the body of his scholar, so that he died.

These cases were held to be cases of murder, because the correction was excessive and cruel, and such as could proceed only from a bad and malignant heart, which was equivalent to a deliberate act of killing.

They are instances of implied or presumed malice, sufficient to constitute the crime of murder.

Among other modes of killing that may constitute the offence, are exposing a sick or feeble person to cold and inclement weather with intent to destroy him, or in any other way or manner where the death of the person would be the natural, if not necessary, result.

In these cases the death may amount to the crime of murder, under the rule that he who wilfully and deliberately does any act which apparently endangers the life of another, and thereby occasions his death, will be adjudged to have killed him with malice aforethought, unless he clearly proves the contrary.

As an illustration of the principle, it was held by Judge Story, in the United States vs. Freeman (4 Mason, 505) that where a seaman is in a state of debility, and the master knowingly and maliciously compels him to go aloft, and he falls into the sea and is drowned, it is murder. If there was no malice on the part of the master, it would be manslaughter.

These are all the observations that I deem it material to make, as it respects the principles of law governing this crime.

Let me now, for a few moments, call your attention to the evidence, with a view to present the questions of fact involved in the case, and to the witnesses upon whose testimony the determination of the questions will depend.

The witnesses mainly relied on by the government to support the charge in the indictment, are Lawrence O'Brien, John Waldron, William Donlay, Jeremiah Waddington and Ann Waddington.

They were produced, in the first instance in support of the charge against the prisoner, and it may conduce to method, and a clearer comprehension of the facts, to call your attention a few moments to their testimony, and then to the witnesses on the part of the defence.

I am not going over this evidence in detail, but design simply to draw your attention to the leading facts testified to by them. I am quite sure your own recollection will at once fill up the outline.

You will recollect that O'Brien testifies to a beating of the deceased, by the Captain, with a belaying pin, on the morning preceding his death, upon the head and shoulders. This was between 8 and 9 o'clock in the morning; that his head was so badly cut by the beating, the Doctor was obliged to dress it in the wheel house, also, that the deceased, at or near 4 o'clock P. M., was compelled to join his watch, and was again severely beaten by the Captain, with the same instrument; that after this beating, he was lashed to the mizen mast, hand-cuffed, his hands tied to the mast, behind his back, with his face to the weather's side—the weather cold and stormy—with no clothes on, except his shirt and pantaloons; the release of him from the mizen-mast about 8 o'clock in the evening; and the lashing of him up again, with new hand cuffs, to the stretcher along the boat, resting on the davits, his hands tied up forward, as high as his head with his face to the windward—the night still cold and stormy; that he was kept there in that position till he died, and was taken down between 3 and 4 o'clock in the morning, and buried overboard.

Waldron confirms O'Brien as to the material facts—the beating between 8 and 9 o'clock in the morning; the cut of the head; the dressing of it in the wheelhouse by the doctor; the beating again between 4 and 5 o'clock, P. M.; the lashing up at the mizen-mast, his disengaging himself between 9 and 10 at night, and his being again lashed up at the side of the ship to the stretchers along the boat, and his being found dead in the morning.

Donlay swears, substantially, to the same state of facts.

Waddington testifies to some additional circumstances. He swears that he saw the beating in the morning, between 8 and 9 o'clock. The additional facts he testifies to are—a beating at the capstan between 1 and 3 o'clock in the afternoon; that the deceased was knocked down with a snatch-block by the first mate—the captain being present.

Then this witness gives an account of a beating of the deceased, by the prisoner, at midnight, while he was lashed to the side of the vessel. These two beatings, between one and three in the afternoon, at the capstan, and at midnight, were seen by no other witness except Waddington, and are additional to those testified to by the three previous witnesses.

There is in this connection the testimony of Mrs Waddington in support of that of her husband. It is very feeble, and adds but little strength to his evidence.

This is the substance of the proof in support of the charge against the prisoner; and unquestionably if it can be sustained against the facts given in evidence on the part of the defence, the case is a very grave one and calls for serious and deliberate consideration, as you will readily perceive, when the facts tried by the principles of law governing this offence, already stated.

Let me now call your attention to the witnesses on the part of the defence. They are George Henry Assez, James Bell, Peter Flanagan, George Manliffe, Wm. Manliffe, Margaret Carroll, John Graves, and Doctor John Christian.

These are the principal witnesses relied on for the defence.

Assez, the French boy, contradicts the witnesses on the part of the government, as to the beating, by the Captain, of the deceased, between 8 and 9 o'clock in the morning, when he was brought up on deck by the mate; and also as to the beating at the capstan between 1 and 3 o'clock, P. M., as testified to by Waddington. The witness was himself cleaning it at the time; contradicts them, also, as to the beating between 5 and 6 o'clock, P. M. He speaks of a flogging with a double Manila strap a little after 8 o'clock in the evening, by the mate, for disobedience of orders. He also contradicts them as to the deceased being lashed up at the side of the ship at midnight; that, as he testifies, the deceased was, at that time, and until he was brought into the wheelhouse dead, sitting on the after skylight on deck, at the mizen-mast. Assez belonged to the larboard watch, and it was their watch from 12 to 4 o'clock the morning of the death of the deceased.

Bell joined the ship at Liverpool, as an ordinary seaman, but in about a fortnight afterwards, was placed in the passengers' galley as passengers' cook. This witness contradicts those on the part of the government, as to the deceased having been lashed to the mizen-mast between eight and nine in the evening. He says that all hands were called at this time on deck, to close reef the main topsail; that the deceased refused to do duty, and was ordered by the Captain to be brought aft; and then he gives an account of the heavy lurch of the vessel, the fall of the deceased headforemost over the skylight and against the bit, or iron rod, at the bulwarks, and of his being lifted up by the Captain and O'Donnell, and taken and set down at the mizen-mast.

Flannagan was a passenger on board the Roscius. He concurs substantially with Bell as to the refusal of the deceased to do duty between 8 and 9 o'clock in the evening, when ordered to assist in reefing the sails, and also as to the heavy fall against the lee bulwarks, over the skylight, and that the deceased appeared to be badly hurt.

George Manliffe, steward of the Roscius, joined the ship in this port, and was with her out to Liverpool and back. He was the one who went to the wheelhouse to trim the binnacle lamp, about 10 o'clock A. M., and says he was there when the deceased was brought into the wheel house. He speaks of his face, and head and clothes, and contradicts the statements of the witnesses as to the injuries upon the face, and as to the clothing of the deceased.

William Manliffe was cook of the vessel, and a brother of the previous witness. He states that the deceased came to the galley between 3 and 4 o'clock, P. M., to dry himself; that he was very wet, having been above reefing the sails. He speaks of his face, and absence of injuries or blood on it; that he complained of nothing but cold at the time.

Margaret Carroll was a passenger, with four children, in the steerage of the ship. She says she met the deceased between 4 and 5 o'clock, P. M. She speaks of his face and general appearance as nothing unusual.

Graves was a passenger on the vessel. He testifies to a blow by the mate with a snatch block, given to the deceased some ten days before his death. This was on the deck, while the deceased was engaged in cleaning the capstan. The captain was not present. The doctor was, he says, and reprimanded the mate for his cruelty.

The next witness is Dr. Christian, the physician on board. He confirms Graves in respect to the blow by the snatch block; that he dressed the head of the deceased at the time. This evidence of Graves and the doctor contradicts the witnesses for the government as to the dressing of the head of the deceased, on account of injuries inflicted on the morning of the day preceding his death. This service was done by the doctor ten days before for an injury not inflicted by the captain or by a belaying pin.

The doctor states further, that he was called at about 4 o'clock A. M., in consequence of the death of Emanuel; that he examined his head, cut off the hair, removed the scalp, and examined the wound; that it was a fresh one; and expresses the opinion that it was sufficient to cause his death—compound fracture, and depression of the brain. The wound was an inch and a half long, and nearly an inch wide. He states the captain was present at the time of the examination. The doctor contradicts the statements of the injuries as to the eye and face of the deceased. He states, also, that O'B. was laid up the greater part of the passage, unfit for duty, in consequence of a sore finger that had been badly bruised.

In addition to the recollection of the doctor, he produces a diary, or memorandum, made at the time, or nearly so, of several of the circumstances that he has related, and which confirms his recollection.

It is known to us that the doctor has heretofore been implicated on this charge, as the proceedings against him were discontinued at the beginning of the trial.

I think it is due to him to say that nothing has appeared in the course of the trial, that tends, in the slightest degree, to connect him with the charge; and, indeed, it is but fair to add, that in my judgment, there is nothing in the manner of giving his testimony, or in the facts testified to by him, calculated to excite our suspicion or distrust. He appears to be an intelligent young man, and gave a very clear account of the facts which he has related.

In addition to the contradictions of the witnesses on the part of the government, to which I have called your attention, evidence has been given tending to weaken the evidence, in other respects, of some of them—O'Brien in particular.

I refer to the evidence of Mr. Cunningham, the keeper of the King's county jail, and the threats of this witness against the prisoner, to which he testified.

Waddington is also seriously impeached by the fact testified to by Mr. Collins.

Then we have, in reply, on behalf of the government, the evidence of Silly, who had been made third mate of the Roscius after the voyage commenced; and, also, of Munn, the second mate; and, also, of Gunley, a sailor who was disabled from service at the beginning of the voyage. This evidence has, perhaps, scarcely changed the leading features of the case as it previously stood, and I shall not therefore take up your time in calling attention particularly to it—the material facts and circumstances you doubtless will recollect.

The case, gentlemen, is certainly an extraordinary one, and the material evidence bearing upon it, conflicting and irreconcileable.

Even in the absence of the evidence in support of the defence, the mind is led somewhat to hesitate as to the truth of the charge, from the cruel and attrocious character of the transaction, as detailed by the witnesses, especially in the absence of any adequate motive or provocation—for the only cause assigned for the continued barbarity, almost throughout the day, towards the deceased, is that he was disposed to shirk his duty. Still, if there was nothing else in the case, the mere atrociousness of the circumstances attending the crime would not justify us in discrediting them. It is, however, a fair and proper consideration, in connection with the evidence tending to contradict and explain the charge.

It must be admitted that the case, as made out, in the first instance, by the government, has been very much shaken by the witnesses called on the part of the defence; and even assuming that the opportunities and credibility of the witnesses, on each side, are equal as to the facts, in this conflict of evidence, there is great difficulty in arriving at the conclusion that the deceased came to his death by the beating or punishment inflicted by the prisoner, either personally or by his orders—if the witnesses on the part of the government are to be believed, there is little doubt but that he did; if, on the part of the defence, the prisoner inflicted no punishment upon him on that, or on any previous day.

The only part of the case that presses against the prisoner, and in respect to which no explanation has been given tending to exempt him from blame, is the state or condition of Emanuel from about 10 o'clock at night, and till the next morning, when he was found dead. If he was lashed up first, to the mizen-mast, and then to the stretchers on the weather side of the ship, under the circumstances stated by the witnesses, and this by the order of the captain, then, aside from the beatings they have detailed, and in the absence of them, the case would be a proper one for the jury to consider whether the prisoner was not guilty of manslaughter. But, in order to arrive at that conclusion, you must be satisfied that he was thus lashed up, and continued there, by the order of the captain, or by his knowledge of and acquiescence in the order given by one of his officers.

Even upon the theory of the defence, namely—that the deceased remained on deck at the mizzen mast from the time he was placed there, between 8 and 9 o'clock in the evening, until his death—the Captain is not without blame. But, unless he was left and was kept there by his orders during that night, and with a knowledge that his life would be in danger from the hurt received by the fall, from this exposure in the night on deck, I cannot say that the case would be one upon which a conviction of manslaughter might be proper. If no order was given by the Captain that he should be confined at the mizen-mast for the night, it may be that he had no knowledge of the fact of his being there, but that he was keeping his watch, or was taken below in the forecastle.

These, gentlemen, are all the observations I deem it necessary to make upon the evidence. I am persuaded you already understand it thoroughly, and that by applying to it the principles of law governing this offence, you will be enabled to make a just and intelligible disposition of the case.

Testimony has been given of the previous character of the prisoner, and it cannot be denied but that his acquaintances, and seamen who have served under him and with him, have borne strong testimony in his favor.

In a case of any doubt, or even in a case where the weight of the evidence may slightly preponderate against the prisoner, the fact of a previous good character is entitled to much consideration—sufficient to turn the scales of justice; it could not overcome evidence satisfactory of guilt, but should in a balanced case.

With these observations, gentlemen, I leave the case with you, satisfied that you appreciate fully its responsibilities, and are sufficiently possessed of a knowlege of the law and the facts to make a rightful disposition of it.

At the conclusion of the Judge's charge, one of the Jurors inquired of the foreman if it were necessary for them to leave their seats.

The Jury, however, retired at half past eleven precisely. During their absence the most intense anxiety prevailed throughout the Court, though there seemed to be but one prevailing opinion—that the case would terminate in a verdict of acquittal.

In the painful period that elapsed, Captain Molony preserved the same calm demeanor that he manifested during the whole trial.

THE VERDICT.

At twenty-five minutes to three o'clock it was announced that the jury had agreed.

Some commotion being made, the Judge ordered the Marshal to bring any person before him who manifested any disposition to create a disturbance.

Clerk—Gentlemen of the Jury, how say you, is the prisoner guilty or not guilty?

Foreman—Not guilty.

Judge—The prisoner is discharged from this charge.

Captain Molony then received the hearty congratulations of numerous friends, and though he remains in custody for the present, on a charge as to the death of Yankee Chap, it is understood that the government will not put him on trial again, the evidence for the defence has been so overwhelming.

Court of General Sessions.

Before the Recorder and Ald. Peck and Dougherty.

SENTENCES.

Assault and Battery with Intent to Kill.—Two men, named James McCauley and Thomas Dunn, were charged with attempting to take the life of Moses Springer, an officer of the Ninth ward, who, along with other policemen, were endeavoring to arrest them for stabbing a Mr. Vroman. During the last term a brother of Dennis was sent to the State prison for five years, for committing the assault on Mr. Vroman. Thomas Dunn pleaded guilty to the indictment, and McCauley not pleading guilty, the counsel for the prosecution proceeded to try the prisoner.

Moses Springer, being duly sworn, deposed that he was an officer of the Ninth ward; knew McCauley; was engaged in causing his arrest on Friday night, the 8th of April, in Washington street, near Perry; the witness, along with other officers, attempted to arrest them; the men in the house asked them what they wanted there, and called the officers sons of b——; they tried to hurt the police by throwing missiles at them, but witness was not hurt at that time; they then endeavored to get up stairs, when one of the officers said, "back down—they have got knives;" witness then came down stairs, and in doing so was struck in the head, which rendered him senseless until they got out in the street; his eye was severely cut, his head cut, and cheek bone fractured; the other police afterwards arrested the prisoner, while he was attempting to escape from them; he was very violent, and had to be tied in order to bring him to the station house.

Officer Taylor, being duly sworn, deposed that he, in company with some other policemen, went in search of the prisoners, and found them in a house in Washington street; when the officers entered, the men up stairs, to the best of his knowledge, retreated back; they then went up stairs, where the prisoner caught hold of witness, asked him what they wanted there, and said they would kill them if they came up there; their assailants fought so hard that they did not give the police a chance to arrest any of them; finally, Hannehan, one of the officers, said, "back down, they have got knives;" witness then looked up and saw a large knife in the hands of one of the men; they then retreated down stairs, and after awhile they succeeded in arresting the parties; McCauley was lying on the sidewalk apparently senseless; officer Springer was wounded in the head, and the blood flowed from it profusely.

William Vroman being duly sworn, deposed that he lived at 407 West street; knew James McCauley by sight; the prisoners were in his house on the night of the difficulty.

The prisoner's counsel here objected to any further evidence of this witness, first on the ground that acts committed anterior or subsequent to the crime for which he was indicted could not be admitted as evidence against him. Secondly, they had come there to answer the indictment charging him with attempting to kill officer Springer and not to answer the charge of attempting to kill Mr. Vroman. It was not like a case of counterfeit money, persons charged with false pretences, or receiving stolen goods. He never knew of a case of that nature where anterior acts were taken in evidence against a prisoner.

The assistant District Attorney said that he intended to prove that their acts on that night were of a murderous nature, and all connected.

The court overruled the prisoner's counsel's objection, and the testimony of the witness proceeded.

The prisoners stabbed witness and strunck him over the eye; he escaped from them to a grocery store opposite, pursued by his infuriated assailants; the owner of the store let him out of a back door, and he escaped to his own house.

Here the prisoner's counsel endeavored to produce Thomas Dun as a witness, who would, he said, entirely exonerate the prisoner from all participation in the alleged crime.

The Court objected to his evidence, he being one of the same party who were jointly connected in the crime.

Mr. Phillips then summed up the evidence for the defence, after which the District Attorney summed up for prosecution.

The Recorder then charged the jury, who, after a few moments consideration, returned a verdict of "guilty."

Both of the prisoners were then brought up to receive the sentence of the Court. The Recorder rebuked them for their crime, and after impressing upon them the necessity of conducting themselves properly hereafter, sentenced them to be imprisoned in the State prison for five years each.

ACQUITTED.

A German named Gustavus Fersenheim, who was both deaf and dumb was acquitted of the charge of grand larceny. Although witnesses were brought up for the defence to prove his imbecility, his appearance on hearing the verdict of the jury denoted that he was in possession of all his faculties.

The Court then adjourned until 11 o'clock the next morning.

Superior Court—General Term.

Before Chief Justice Oakley and Judges Campbell and Bosworth.

Edward Baggott vs. Ann Boulger and Margaret Boulger, Executrixes of John Boulger, deceased, et als.—By the Court, Bosworth J.—It is objected that the plaintiff has improperly joined in the action the surviving obligors and the personal representatives of their deceased co obligor. The facts on which the objection is based appear upon the face of the complaint. If the objection supposed to exist is, that several causes of action are improperly united, the only mode by which advantage could be taken of it was by demurrer. (Code secs. 144, 167 and 148.) It was not so taken in this action. The only effect of omitting to present to an executor or administrator a claim against the testator or intestate, within the six months prescribed by sec. 34 of 2 R. S., p. 88, is to limit the recovery in a suit subsequently brought by such a creditor to the amount of such assets as may be in the hands of the administrator or executor at the time such suit is commenced, and to deprive him of all right to recover costs. (2. R. S. 89, secs. 39, 40, 41.) The right of action is not barred where the claim was not presented at all, but only where it was presented and disputed, or rejected; and neither referred nor prosecuted, within six months after being disputed or rejected. (Sections 38, 39, 40 and 42.) The initiatory proceedings before the Surrogate to compel Ann C. Baggott, to appear and render an account, conformed to the statute. She appeared, and presented her account, and such proceedings were had, that he made a decree directing her to pay on account of the assets she had received a certain sum to the plaintiffs. She appealed to the Supreme Court, and that court affirmed the decree. The judgment of the Supreme Court remains in full force and effect, and the Surrogate in obedience to the mandate of that Court decreed she should pay the sum originally decreed to be paid, with interest and costs. We have no doubt that she is concluded by the order appealed from, and its affirmance by the Supreme Court, and is now estopped from alleging any error or effect in the proceedings before the Surrogate. Whenever any order is made by a Surrogate in respect to the administrator of an estate cognizable by him, which concludes the administrator, the sureties of the latter are also concluded by it. This is more than a mere bond of indemnity. The condition of it is, that their principal shall obey all orders of the Surrogate of the city of New York touching the administration of the estate committed to her. It is equivalent to pay all judgments that may be recovered against her for a specified cause. The making of the order for prepayment a certain sum, and refusal to pay, or the recovery of a judgment and non-payment, give an immediate right of action, and the order or judgment concludes the surety or covenant, or until impeached and avoided for fraud. (Chace vs. Kinman, 8 Wend. 452; Rockfeller vs. Donnelly, 8 Cowen, 628; Jackson vs. Griswold, 4 Hill, 532; The People vs. Falconer, 2 Sand. S. C. R., 81.) There is no attempt to impeach and avoid the Surrogate for fraud. There is no attempt to impeach its intrinsic justice. The objection that the Surrogate's order of May 14, 1850, did not constitute the assignment of the bond contemplated by the statute, we think untenable. The Surrogate was not a party to the bond, and in the nature of things could execute an assignment as an obligor may. He commonly acts by order, and the order, by its terms, assigns it for the purpose of being prosecuted. This is, in substance and effect, the only assignment contemplated by the statute. Notwithstanding the assignment he retained the custody of it for the common benefit of all persons having claims against the estate. The assignment contemplated by the statute is, in effect, only the grant of a permission or authority to prosecute the bond. We see no objections to the action being brought in the name of the plaintiff. It is useless proceeding to bring it in the name of the people on the relation of Edward Baggott. Whether sued in the name of the party for whose benefit it is ordered to be prosecuted, or in the name of the people, the same facts are to be stated, the same number of separate suits may be had, and the consequences are the same in either case to the sureties. The common law rule, that an action on a bond must be brought in the name of the obligor, whoever may be the owner, is abrogated by the code. It must now be brought in the name of the real party in interest. (Code, sec. 111; 2 R. S., sec. 476, title 5, chap. 8, part 3; Code, sec. 471.) The plaintiff is the real and the only party in interest prosecuting the action. The Code says that he may sue in his own name. If a defect, it is a defect of parties, the defect being, not that his name appears as a party, but that the people are not named with him as the parties prosecuting, or his relation. This defect, if it be one, appears on the face of the complaint, and is not objected to by demurrer. (Code, sec. 144.) We concur in the opinion that the plaintiff is entitled to a judgment on the verdict. The claim not having been presented to the defendant, as required by sec. 34 of 2 R. S. sec. 8, the plaintiff is not entitled to costs to be collected of the estate of John Boulger, deceased, or from his executrixes personally. (2 R. S. 90, sec. 41; Code sec. 317.) A judgment will be entered in proper form for the amount of the verdict against Margaret Boulger and Ann Boulger, executrixes.

Court of Special Sessions.

Before the Recorder, Ald. Moore and Dougherty.

JUNE 8.—The court was crowded this morning with prisoners, of all colors and shades. In one corner might be seen about twenty negros, grinning and exhibiting their ivory to the very best advantage; in another were ranged about half a dozen Chinese, with mouths and eyes wide open, listening attentively to every word that was uttered, while in another portion of the room were about twenty natives of the Emeral Isle, most of them being recent importations. All these individuals were there either as witnesses or prisoners.

The crimes committed, as usual, consisted chiefly of assaults and batteries, some being family quarrels, which, among the Ethiopian portion of the prisoners, was caused by love or jealousy.

SENTENCES.

Severe Sentence for Stealing Seventy-five Cents.—Charles W. Andrews, a respectable young man, pleaded guilty to a charge of stealing seventy five cents from George H. Cole, of the North American Hotel. The prisoner entered the complainant's bedroom, and stole the money out of his pantaloon's pocket.

The Recorder, on proceeding to pass sentence on the prisoner, said that he was an old offender, and that it was not any generosity of his that saved a larger amount of property from being stolen, as he had evidently searched all the clothes in the room for more booty, and not finding any more, made the best of a bad bargain.

The crime committed not being as grave as the one contemplated, the sentence of the court was, that he be imprisoned in the penitentiary for six months.

THE CELESTIALS IN THE TOMBS.

Three men named Patrick Farrell, John Mullins and Geo. Mullins, were charged with assaulting two of the Fourth ward police, also two Chinese named John Along and John Assay, whom they attacked and beat in a disgraceful manner, in Water street, knocking Assay's teeth down his throat and cutting Along's eye very severely. In the affray, the last named individual lost his watch, for which he asked the Court more than a dozen times; but that honorable body could not give him his property, as it was not found in the possession of the prisoners.

The Recorder, in pronouncing the sentence against the prisoners, said that the persons of the complainants showed pretty bad usage. If the assailants were intoxicated their marks of violence on those poor benighted strangers, bore proof of their having their proper understanding at the time of the affray. When the officers came to their assistance they were also attacked by these rowdies. If assaults of that nature were permitted to pass unnoticed, the laws would be of little service. The sentence of the Court was, therefore, that on the charge of assaulting the officers, the prisoners be sent to the penitentiary for six months, on each charge, making a year in all, for each offender. On the charge of assaulting the Chinese, judgment was suspended.

The Celestials then left the Court, followed by a large concourse of people.

Along did not seem satisfied with the proceedings of the Court, as he no doubt expected to receive his watch. He and his companions attracted a good deal of attention on account of their strange dress and appearance. Their long hair did not hang down as usual, but was coiled in a neat manner around the back of their head.

After disposing of some twenty cases, none of which were of any interest whatever, the Court adjourned until Friday morning at nine o'clock.

The Twentieth Ward Police.

TO THE EDITOR OF THE NEW YORK HERALD.

NEW YORK, June 10, 1853.

In your paper of this date I notice an attack made upon me, by James M. Byrne, foreman of Engine Company No. 1 for a report made by me, officially, in relation to the affray between that company and Hook and Ladder Company No. 8. It is not my intention to so far demean myself as to attempt a vindication from any imputation emanating from such a source, but merely to give a brief statement of facts as they exist.

It is notorious that Engine Company No. 1 is constantly, and almost daily, in the habit of creating alarms without cause, and running, both in and out of their districts, when no bells are ringing, or other indications of fire exhibited; that they run upon the sidewalks, and greatly endanger the limbs and lives of the citizens; and only a short time since, when I remonstrated with the assistant foreman of that company for so doing, he abused me in the vilest manner, and assaulted me with his trumpet. These facts are notorious in the neighborhood, and if they are perpetrated by persons other than members of the company, the company is responsible for permitting them to use their apparatus. As to the affray in question, officer Mooney and myself watched the companies—having been informed that they had given indications of a difficulty by heating, and, on one occasion, throwing stones. But, knowing that this company were of common stuff to fight if equally matched, I did not follow them as closely as I would otherwise have done. For this reason, when the stabbing took place I was some distance behind them. As to the charge of falsehood against me, and my return, and the "corrupt and malicious intent," I pass them, with the only notice they and their author merit, perfect contempt.

I made the return to the Chief of Police in the fair discharge of my duty, and without fear of the abuse of Mr. Byrne or his company, I shall continue to discharge my duty faithfully, and if either he or his company are engaged in the violation of law, I will execute its provisions upon them as readily as I will protect them from any attack from others.

THOS. A. DUNN,
Lieut. Captain Twentieth Ward Police.

NORTH PACIFIC RAILROAD EXPEDITION.—Gov. Stevens, J. M. Stanly, artist of the expedition, and E. Evans astronomer, arrived here last Friday. Captain J. S. Osgood, disbanding officer of the expedition, arrived yesterday. The Governor and his party are encamped three or four miles beyond Fort Snelling, busily engaged making preparations for a start. Some men are wanted yet, but don't seem to be any too plenty at $25 a month. The company, all told, will number about 100, all mounted and furnished with a rifle, revolver, knife, buffalo robe, and three blankets, with tents, &c.—a very good outfit. We understand that Gov. Stevens will accompany Gov. Gorman on a trip up the Minnesota river this week, as high as the new agency at the mouth of Redwood river, and on his return take up the line of march for Puget's Sound. Mr Lander, civil engineer, with a small party, was to have started yesterday for Sauk Rapids, to resume his labors from that point.—*Democrat, (St Paul's,) June 1.*

SHOE BUSINESS.—The Haverhill *Gazette* reports the prospects of the shoe business this season as first rate. A dealer remarks that he experienced much more labor in procuring his stock than he did in disposing of it. This is pretty good evidence of a quick trade.

Religious Intelligence.

CALENDAR.

June 11, Saturday, St. Barnabas; 12th, Sunday, 4th Sunday after Pentecost; 13th, Monday, St. Anthony of Padua; 14th, Tuesday, St. Basil; 15th, Wednesday, St. Philip Neri; 16th, Thursday, St. John Francis Regis; 17th, Friday, St. Ubaldus; 18th, Saturday, St. Bernardin of Sienna.

SERMONS THIS DAY.

Fifth Universalist Church, Dodworth's Hall, No. 608 Broadway, near Grace Church—Rev. T. J. Sawyer, D. D., will preach morning and afternoon at the usual hours.

Broadway Tabernacle—Rev. Dr. Skinner will preach morning and afternoon at the usual hours. Rev. R. S. Storrs, Jr., of Brooklyn, will preach in the evening, at half past 7 o'clock.

Rev. Dr. Finlay will preach at half-past 10 o'clock A. M., in the Presbyterian Church, corner of Ninth street and North First, Williamsburg; after which, assisted by Rev. Dr. Prime and Rev. J. Sanderson, the Sacrament of the Lord's Supper will be administered. Service also at half past 7 P. M.

Tent Preaching in Brooklyn—Rev. Mr. Miley, of the Episcopal Methodist Church, Pacific street, will preach at the Tent, Union street, near Hamilton ferry, at half past 3 o'clock.

Preaching in the Tent—Religious worship will be conducted in the City Alliance Tent, at the corner of Eighth avenue and Thirteenth street, at half-past 10 A. M. by Rev. Mr. Stiner; and at 3 P. M., by Rev. Dr. Potts. Temperance addresses in the evening.

A Sermon before Mechanics' Hose Fire Company, will be delivered in the Union Congregational Church, Fourth street, near avenue B, by Rev. J. B. Grinnell, at 7½ o'clock.

John street M. E. Church, between Nassau and William streets—Rev. H. Mattison, pastor. Preaching at 3 o'clock P. M.

Union Theological Seminary—The annual address before the Society of Inquiry of this institution, will be delivered in the Mercer street Church, by Rev. John P. Cleveland, D. D., of Northampton, Mass. Services to commence at half-past 7 o'clock.

A funeral sermon, upon the death of the late Garrett Noel Bleecker, will be preached in the Amity street Baptist Church, corner of Wooster street, by the pastor, Rev. Wm. R. Williams, commencing at 7½ o'clock.

The congregation connected with the Madison M. E. Church, will worship at Rutgers Institute, Madison street, near Clinton. Rev. J. S. Inskip will preach at 10½ A. M. and 3 o'clock, P. M.

The Twelfth Street Baptist Church having been closed six months, for enlargement and remodelling will resume their regular Sabbath service. Preaching in the morning and evening at the usual hours of worship, by Rev. Sidney A. Corey, and in the afternoon at 3½ o'clock, by Prof. M. A. Anderson.

Free lecture and discussion at No. 5 Chatham square, by the Society of Liberals, at 3 P. M. Mr. Ryckman will lecture on the developement of the social powers. Seats free.

At Convention Hall, No. 179 Wooster street, at the usual hours the testimony and doctrine concerning the Kingdom which pertains to Israel, (preparation for the establishment of which is new resulting from the implication of the political relations in the East,) will be set forth.

Dr. Maclay, the oldest living preacher in New York, will preach in the Central Baptist Church, Brooklyn, in the morning, and in the Union Baptist Church, Twenty-second street, near Lexington avenue, New York, in the evening.

Second Reformed Presbyterian Church, (Medical College,) No. 67 Crosby street, near Prince street, by Rev. Spencer L. Finney, pastor. Preaching in the morning at 10½ o'clock, and at 3½ in the afternoon. Seats free.

Rev. Alexander McClelland, D. D., of New Brunswick, N. J., will preach in the Reformed Dutch Church, corner of Broome and Greene streets, at 10½ A. M., and 3½ P. M.

The Rev. Dr. Ferris will supply the pulpit of the Presbyterian Church on Fifth avenue, corner of Twelfth street, during the temporary absence of the pastor, Dr. Phillips. Hours of service 10½ A. M. and 4 P. M.

INSTALLATIONS, RESIGNATIONS, ETC.

Rev. Joseph Coxy was installed, on Thursday last, as pastor of the Presbyterian Church in Nyack. The sermon on the occasion, was preached by Rev. J. S. Davison, of this city.

Rev. James Thurston will be installed over the Allen Street Church, Cambridge, Mass., on Tuesday next, the 14th inst. Sermon by Rev. Mr. Ellis, of Charlestown.

Rev. Daniel Higbie was installed at Sparta, Sussex county, N. J., June 1st. Sermon by Rev. Josiah Fisher, of Succasunna, N. J.

Rev. F. A. Spencer has resigned his pastoral charge of the Congregational Church of Westmoreland, Oneida county.

Rev. Daniel Goodhue was dismissed from the pastorate of the Congregational Church in Bradford, Me., on the 17th ult.

Rev. Charles J. Bowen has resigned the charge of the Unitarian society in Newburyport, the resignation to take effect on the 1st of September.

Rev. Thomas H. Pons has dissolved his connection with the Unitarian society in Sharon, Mass.

Rev. James M. Macdonald has declined the call of the First Presbyterian Church in Princeton, N. J., and concluded to remain in his present charge in this city.

Rev. R. C. Waterston has written a letter to the Society in Augusta, Me., in which he feels constrained to decline their invitation to become their permanent minister.

Rev. J. J. Scarritt has accepted the unanimous call of the Baptist Church in Middletown, Orange county, and entered upon his labors accordingly.

MISCELLANEOUS.

The Episcopal Provisional Bishop has made the following appointments:—June 12, Third Sunday after Trinity, A. M., Trinity parish, New York; P. M., St. Ann's Church for deaf mutes, New York; June 13, Monday, P. M., Christ, Hudson; June 14, Tuesday, A. M., Convocation of the Clergy of Northern New York, at Hudson; June 15, Wednesday, A. M., Consecration of Christ Church, Coxsackie; P. M., St. John's, Stockport; June 16, Thursday, A. M., St. Peter's, Kinderhook; June 17, Friday, P. M., St. John in the Wilderness, Copake Iron Works.

The house of worship recently purchased for the use of the church at Coxsackie, Greene county, will be consecrated on Wednesday, the 15th instant, at two o'clock, P. M. The sermon by Bishop Janes, of New York.

Dr. Lyman Beecher is engaged, for the present, to supply the pulpit of the Evangelical Congregational Church in Cambridgeport, Mass., recently left vacant by the resignation of their pastor, Rev. J. C. Lovejoy.

The Presbyterian General Assembly, in session at Buffalo, has voted to raise $100,000 to loan in small sums to congregations for the purpose of erecting churches in the west. The sum is to be raised by general collections in the churches.

The Concio ad Clerum, at Yale College Commencement, this year, is to be preached by the Rev. E. T. Fitch, D.D., late Professor of Divinity in the College.

Rev. A. D. Gillette, of New York city, has been selected to preach the annual sermon before the Society for Missionary Inquiry, in Brown University, at the next Commencement.

Rev. Francis LeBaron, of Worcester, has been invited to settle over the Unitarian Society in Manchester, N. H.

Intelligence has just been received at the Baptist Missionary rooms in Boston, that Rev. G. Dauble, missionary of the American Baptist Missionary Union in Assam, died of cholera, March 23, at Nowgeng.

Rev. E. L. Magoon, we understand, has been invited to deliver the annual oration before the Literary Societies of Brown University, at the Commencement in September next.

Rev. Thomas F. Davis, of Camden, S. C., has been elected Bishop of South Carolina in the room of the late Bishop Gadsden. Rev. Dr. Atkinson has also been elected Bishop of North Carolina, in room of Bishop Ives.

Rev. Dr. Phillips, pastor of the First Presbyterian Church, Fifth avenue, sailed in the steamer Franklin on Saturday for Europe, where he purposes spending some months in travelling on the continent, in hope of recovering his health.

The Presbyterian Board of Foreign Missions has appointed Rev. S. Leighton Wilson, formerly a missionary to Africa, a Corresponding Secretary of the Board, his position to be co-ordinate with that of the Messrs. Lowrie.

Rev. Mr. Kirk, of Boston, sailed for Europe, we believe, last week.

Rev. Edward Barrass has closed his labors with the Oxford Baptist Church, New Jersey, and accepted a call to the pastoral care of the Mansfield Church, and entered upon his work.

On Sunday, June 5th, Rev. Leonard Black, of Brooklyn, baptized two willing converts in fellowship with the Third Baptist Church in Williamsburg, L. I.; and others have been received by letter and experience, five of whom have already been baptized.

ORDINATIONS.

Mr. Perry Bennett was ordained to the work of the ministry at Lebanon, Ct., on the 25th ult. Sermon by Rev. A. H. Taylor.

Mr. Parmenas Watts was ordained to the work of the gospel ministry at Tivoli, June 2.