THE STEPHENS CASE.

Investigation Before Coroner Connery—Autopsy of the Body—Examination Before Justice Welsh, &c.

The investigation by Coroner Connery relative to the death of Mrs. Sophia Stephens was commenced at Bellevue Hospital, in the presence of deceased's friends and relatives. A jury was empannelled, and upon view of the body they were duly sworn to make a true inquiry into the case. The corpse was then handed over to Dr. Jas. R. Wood and Professor Doremus, who have been employed to make an autopsy of the body and an analysis of the stomach and its contents. The body was in a good state of preservation, considering it had been a year in the ground. The head appeared to have been the only part of the body which was badly decayed, the flesh on the remainder of the body being in a remarkable state of preservation, retaining its natural firmness and color.

Upon opening the cavity of the abdomen a quantity of gas escaped. The viscera was found to be in a good state of preservation, the intestines retaining their natural appearance. The great omentum was loaded with fatty matter, and the stomach, duodenuum and peritaneum were filled with a quantity of oil. The kidneys, with a portion of the liver, gall, intestines and bladder were removed and placed in a jar for analyzation. On opening the thorax the lungs were found to be collapsed, and the pleuretic cavities quite dry. The contents of the thorax were also placed aside for chemical analysis. On opening the skull the brain was found to be in an advanced state of decomposition. A portion of the brain was also retained for analyzation, and the post mortem examination was concluded.

All the internal organs were taken possession of by Professor Doremus, who will give the matter a thorough examination. The analysis will not be completed for several days, but meanwhile the Coroner intends to go on with the examination of witnesses. The Misses Bell and others will be placed upon the stand to day. There was no evidence taken yesterday. It is impossible at this stage of the proceedings to ascertain whether there was any arsenic administered to deceased. It may take a week for the chemist to come to any positive conclusion on this head.

THE EXAMINATION BEFORE JUSTICE WELSH—EFFORT TO INJURE THE REPUTATION AND INVALIDATE THE TESTIMONY OF THE SISTERS BELL—ADJOURNMENT TO MONDAY.

The examination before Justice Welsh was continued yesterday, in his room in the City Hall, formerly occupied as the office of the Chief of Police. It had been set down for eleven o'clock in the morning, but at that hour the two principal witnesses—Sophia and Fanny Bell—were required to be, and were, in attendance on Coroner Connery, at Bellevue Hospital, where the disinterred remains of Sophia Stephens had been conveyed. The case was therefore postponed till three o'clock in the afternoon. At that hour, however, these girls were not in attendance, having been informed by Mr. Chauncey Schaffer, who represents the prosecution, that they would not be required till Saturday morning—he not knowing of the postponement. There were other witnesses, however, in attendance, and he proposed to go on with their examination.

The prisoner Stephens was brought in in custody of an officer. He is a slightly built man, of apparently some thirty-five years of age, with sunken eyes and pale and sallow countenance. His little child—a girl of about seven years—was in the room in charge of some female relatives. At some portions of the examination—particularly in the arguments presented by his counsel, and where the apparent hardships of his position were presented to the Court—he and they were affected to tears. These arguments were for the most part made up of sneers and allegations against the purity of the sisters Bell, and, under the existing circumstances, were not such as should have been indulged in by counsel—the only question really being whether the deceased woman was poisoned, and if so, by whom. However, the Court did not deem it its duty to reprove the counsel, but gave him full sway in that regard.

The first witness was

William Knox, examined by Mr. Schaffer—Reside at 236 Water street; knew Mrs. Sophia Stephens in her lifetime; also knows James Stephens; prior to Mrs. Stephens' death was in the habit of seeing Mr. Stephens.

Q. Did you ever hear him say anything in relation to his wife?

Mr. Busteed objected to this course of examination as only tending to influence public opinion. He appealed to the discretion of the Justice to exclude it.

The Justice decided that the question ought to be answered.

A. In one instance, while we were out walking together, he told me that he was about to leave her.

Q. About how long before her death did he tell you this? A. I cannot tell—it must have been some two or three months.

Q. State all he said on that occasion? A. I do not know of anything else that passed.

Q. Did you ever hear him say anything else indicating the state of his mind in regard to his wife? A. No, sir.

Q. How long were you and he conversing together respecting his wife on this occasion? A. I do not remember.

Q. How far did you walk on that occasion? A. We walked about five or six blocks along the wharf near where he lived.

Q. During the time of that walk how much of the time was consumed in talking about his wife? A. I cannot answer that; I do not know; I have been frequently at his house; I know Sophia Bell; I visited Stephens' house after his wife's death; Sophia Bell was there while I was visiting the house.

Q. Did you observe any particular attention that Mr. Stephens was paying to Sophia Bell?

Mr. Busteed objected.

Mr. Schaffer stated the object of his evidence to be to show a motive for the crime.

Mr. Busteed—But this would be post mortem and cannot be made subservient to elucidate the question of preceding guilt. It should be first established that a crime was committed before such a course of examination.

Mr. Schaffer held that the examination was a proper one, and stated he would show that the prisoner intercepted letters which the two sisters had written to their friends in Ireland, stating that the death of their aunt was unsatisfactory to them, and threatened if they would communicate anything against him he would ruin both their characters. He proposed to show that immediately on the death of his wife the prisoner showed marked attention to this girl, Sophia Bell.

The Justice allowed the question as bearing upon the question of probable cause.

A. I always saw him with her in and out.

Q. When did you first notice these attentions—whether before or after the death of his wife? A. I noticed them before and after.

Q. How long before did you first notice them? A. It must have been some two or three years.

Q. What did you see? A. Going in and out, as usual.

Q. Was there anything in the character of these attentions that attracted your observation, and if so what? A. Close attention is all I know; his being very attentive to her.

Q. Under what circumstances were these close attentions bestowed upon her? A. I cannot answer that.

Mr. Schaffer—Oh yes, you can.

Mr. Busteed objected.

The Justice suggested that counsel for the prosecution was justified in putting such questions, as the Justice himself would, to find out the relations of these parties.

Mr. Busteed admitted that that was so, if the counsel was the public prosecutor or represented him, but he represented here only private parties—Sophy and Fanny Bell.

Mr. Schaffer—I do not represent them here at all. I represent every man who wants to guard against being poisoned.

The Justice understood Mr. Schaffer to have consulted and advised with the District Attorney

Mr. Schaffer—I have, sir. I am the humble representative of that officer, and could wish he were here himself.

Q. On what occasion were these close attentions bestowed on Sophia Bell by Stephens? A. On almost every occasion—I cannot describe them.

Q. State the circumstances of those attentions? A. I do not remember anything particular; I have seen them very often together, and always out together.

Q. Do you know of his expressing any unwillingness as to her going out except attended by him after his wife's death? A. I saw he was offended; his looks and coolness made me think he was offended; this was both before and after the death.

Q. How soon after his wife's death did you observe him paying those attentions to Sophia Bell? A. I did not remark that he paid any more attention to her after his wife's death than he did before; they were not interrupted by the wife's death.

Cross-examined by Mr. Busteed—What is your business? A. Head porter in the store 256 Water street; the proprietor's name is John Murphy; it is a stove concern; I have been there pretty near seven years; I have known Mr. Stephens about the same time; I have been in the habit of going to his house since six and a half years ago; I have known Sophia Bell about sixteen or eighteen years; I was to school with her; I have known Fanny Bell for the last fourteen or fifteen months; I saw her when she was very small; I saw Sophia Bell last night in the house of a relation in Williamsburg; his name is John Story; he lives at 107 South Sixth street; saw Fanny Bell last Sunday evening; saw Sophia twice this week—on Tuesday and Thursday evening; does not remember seeing her on Wednesday; saw her on Tuesday in the same place; cannot say when he saw her last before then; saw her last Sunday and last Saturday; did not, to his knowledge, see her on Friday; is pretty intimate with Sophia Bell; saw Fanny last Sunday at her boarding house, in Third avenue; Sophia was not with her; saw Sophia afterwards; did not go direct from Fanny to Sophia; did not see Sophia for some three or four hours after Fanny and he went over there; is not married; is not paying addresses to Fanny; always liked to hear from her; has gone to see her several times; has not paid his addresses to Fanny Bell, and never wanted to have his attentions construed in that light; has made Fanny two presents and Sophia one; believes he gave Sophia a writing desk, but had forgotten it; gave her a brooch another time; knows where New Utrecht is; it is within three or four miles of Greenwood, on Long Island; Sophia Bell went there once with him to see a friend of theirs; she stayed all night, and so did he; took her from the house of Stephens on that occasion; does not remember whether that was her home then; that is over a year ago—about fourteen months; does not know her age; this was before Mrs. Stephens died—between two and three months.

Q. Did you ask Stephens' consent to have Sophy go and stay with you?

Mr. Schaffer objected to the character of the question, as assuming that the witness had said she had stayed with him.

The Justice thought the question ought to be varied.

Q. Did you ask the permission of Mr. Stephens for her to go to New Utrecht? A. No, sir; he was not there at the time; it was about three o'clock when they got there; it was raining; stayed there that afternoon, evening and night, and got to the ferry at eight o'clock in the morning; it was about half-past six in the morning when they left New Utrecht; stayed at the house of Mr. Patrick Welsh, a tailor, at New Utrecht; he slept in one room with Mr. Welsh, and Sophia Bell slept with Mrs. Welsh; walked all the way to New Utrecht, from where the cars stop at Greenwood; took the straightest road that he knew; it is a country road; got to the tailor's house about three o'clock in the afternoon; did not stop anywhere on the road; it was summer; it was about nine o'clock in the morning when they left Stephens' house; has no particular dislike to Stephens; does not like him anything extra; likes Sophia very well, but is not fond of her; likes Fanny the same as he does Sophia.

Q. Have you ever been in bed with Fanny Bell? A. I have, sir; I have lain on the bed with her.

Q. Have you ever had, or attempted to have, sexual connexion with Fanny Bell? A. No, sir.

Q. Have you lain on the bed with her more than once? A. I think I have more than once; do not remember how often I have lain on the bed with Fanny Bell; the bed was in Stephens' house.

Q. And Stephens found you there once? A. Yes, sir, he found me there once; it was no secret; anytime I was on the bed with her he saw it and knew it; I believe on one occasion Fanny was undressed; Mr. Stevens sent me there; he said I had better go and throw myself on the bed with the girls; I lay outside of the clothes; was boarding there at the time; stayed on the bed all that night; Sophia was in the bed all that time; it might have been as late as eleven o'clock when he went to bed that night; got up in the morning about six or seven o'clock; do not know that he did any walking that night; slept on the outside of the bed; do not remember which of the girls was closest to him; believe both of the girls were undressed; do not remember whether he took off his boots; did not take off his breeches; took off his coat; wore no waistcoat or suspenders; believe he slept soundly that night.

Q. Did not Sophia get up out of bed and leave the room that night? A. She might have—I do not remember; I slept very sound; will not swear that she did not get up and go out.

Q. Did you ever take Fanny out riding on a Sunday? A. Yes, sir.

Q. How long before Mrs. Stephens died? A. I am certain it was after; never took her out before.

Mr. Schaffer suggested that all this was immaterial to the issue.

The Justice thought so too.

Q. What presents have you given Fanny? A. I gave her a small locket one time and a common breastpin in return for some shirts she made me a present of; there was none of his hair in the locket; never gave her his daguerreotype; saw it on Mr. Stephens' mantel piece; he might have been showing it to Mr. Stephens, and he might have kept it; Stephens seemed to have thought a good deal of him, but he (witness) found he was deceitful; had only two daguerreotypes taken; one he sent home, the other he has in his possession; does not know anything of the difficulty between these girls and Stephens; they had told him he did not use them right, and that he had their money, and that if he was mean enough to keep it, let him keep it; is not a member of the church; goes to the Methodist church occasionally, but is not a member.

Direct examination resumed.

Q. When these Misses Bell told you that Stephens did not use them well, what did you say? A. Nothing particular, except that he was mean in keeping their money, telling stories on them and such like.

Q. Had you any other motive for going and lying on the bed than the fact that Mr. Stephens told you to do so? A. No, sir.

Q. How long had you been acquainted with the man at New Utrecht at whose house you stayed? A. Some five or six years, and with his wife as long as I remember.

Q. (By Mr. Cushing)—Why did you go and lie on the bed? A. Because Stephens told me to do so.

Q. Were you frightened when you awoke? A. No, sir; does not know whether he expected to remain there for the night.

Mr. Schaffer suggested that it was due to the sisters Bell, the main witnesses, that they should be examined the next in order; they were subpenaed to attend before the Coroner on Saturday morning, and he wished the examination to be adjourned to an hour at which they could be sure to attend.

Mr. Busteed argued that if the examination was not continued now, the prisoner should be discharged on his own recognizance.

Mr. Schaffer explained the cause of the absence of Sophia and Fanny Bell. They had attended before Coroner Connery, at Bellevue Hospital, at ten o'clock, and he (Mr. Schaffer) had told them to attend here to-morrow morning; but Coroner Connery said he would want to examine them at ten o'clock, and let them go as early as possible.

The further examination of the case was set down for Monday, at 2 P. M., the Judge granting permission to have the prisoner out in custody of an officer some portion of the day to see his counsel and arrange about his witnesses.

Love, Murder and Jealousy.

The inquest in the case of Mary McIntyre, who was murdered by her husband, Michael McIntyre, in a fit of jealousy, came off yesterday at the New York Hospital, before Coroner Hills. The evidence elicited went to show that the prisoner caught his wife in rather a peculiar and somewhat suspicious situation—*i. e.*, lying under a table with a stranger clasped to her breast—and becoming enraged at the sight he beat the guilty pair without mercy. Michael J. O'Keefe, the man who was found in company with the deceased, made his appearance yesterday, and on being placed on the witness stand he stated that he had no sexual intercourse with the deceased, but towards the close of his examination he admitted that his intentions towards the deceased were anything but proper. The prisoner, in his examination, confessed his guilt, but in extenuation of the offence said he was deprived of his reasoning powers by the conduct of his wife, and hardly knew what he was doing when he beat her. The following is a report of the Coroner's inquest:—

Michael J. O'Keefe, residing at No. 57 Oliver street being duly sworn, says:—I do not know deceased; I never saw her before until the night before last; this was in the rear of No. 62 James street; it was about two o'clock in the morning, I think; I saw deceased lying on the floor under a table apparently asleep and intoxicated; I lay down beside her, and had not been there more than seven minutes when a man and two women came out of the house and caught hold of the table, breaking it, and the man, taking one of the legs, struck me on the head several times, and also struck deceased; he struck her while she was lying down, and afterwards while she was standing up; I received the blows while I was lying down; there was no provocation given the husband but my lying by the side of deceased; I swear positively that I had no sexual connection with deceased; I do not know whether deceased was knocked down after she got up, as I ran away; I was somewhat under the influence of liquor at the time; my object in lying down beside deceased was to have connection with her.

Peter Farmer, residing at 62 James street, deposed as follows:—I knew deceased; the house I live in has a bad reputation; I was at home on the night of the difficulty; the prisoner was also there, occupying the same room with me; I went to bed about eleven o'clock, and was awakened about one or two o'clock by hearing a noise outside; the prisoner was also awakened and asked me what the noise was; we soon heard the voice of a woman, when the prisoner started up; I tried to detain him, but he got up and went out; I went with him; I saw deceased lying under a table with a short sized man lying beside her; I cannot say whether they were having sexual connection or not; I then went to get a light to see who the parties were, and when I came back I met the prisoner who said "I have murdered them both;" I heard blows struck when I was absent getting a light, but did not see the prisoner strike any one.

John W. Hooker, M. D., deposed that he was resident surgeon at the New York Hospital—Deceased was admitted to this institution on the morning of the 23d inst; she was insensible, her pulse low and feeble, and there was hemorrhage from the nose and ears; she continued in this state until ten o'clock A. M., when she died; I made a post mortem examination of the body some hours after death; I found blood effused in large quantities beneath the scalp on the right side; there was a large clot of blood beneath the dura mater, covering the whole of the left hemisphere of the cerebrum; there was also an extensive fracture of the base of the skull, running almost entirely across; there were bruises on several parts of the body which seemed to have been the result of blows; the fracture of the skull was probably caused by a fall upon the head; in my opinion death was caused by fracture of the base of the skull.

Joseph Dowling, Inspector of the Sixth precinct police, testified to the prisoner's having delivered himself up at the station house in question.

The jury in this case rendered the following verdict:—"That the deceased came to her death by compression of the brain from fracture of the skull, received at the hands of Michael McIntyre, on the 23d of September, 1858."

The prisoner, on being brought up for examination, made reply to the several questions asked him by the Coroner, as follows:—

Q. What is your name? A. Michael McIntyre.
Q. How old are you? A. forty-two years.
Q. Where were you born? A. Ireland.
Q. Where do you live? A. No. 57 Park street.
Q. What is your occupation? A. Junk dealer.
Q. What have you to say, and if so, what, relative to the charge here preferred against you? A. I saw a man in the arms of my wife, when I got so excited that I do not know what I did.

The prisoner was then committed to the Tombs to await the action of the Grand Jury.

Coroners' Inquests.

THAT MYSTERIOUS BOX—THE MYSTERY CLEARED UP.—The mystery attending the corpse found on board the bark Charles C. Fowler on Thursday afternoon was cleared up yesterday. A Scotch gentleman named Winter appeared at the Coroner's office and stated that the corpse in question was that of his deceased wife, which had recently arrived in this city from Glasgow, to be forwarded to his residence at Mobile. He further stated, that the only object desired in shipping the body to Mobile in the clandestine manner heretofore referred to was to save expense. He had the remains placed in two coffins—a mahogany and a zinc one—and did not think that any offensive odor would escape on board the Mobile boat, for the reason that it had been transported across the Atlantic without any suspicion being created. Mr. Winter having satisfied the Coroner that his story was correct, the body was placed in his charge, and yesterday it was forwarded to its destination at Mobile. Thus ended the mystery.

SUICIDE BY LAUDANUM.—Mary Gallagher, a young woman of dissolute habits, committed suicide at her room No. 21 White street yesterday, by taking a dose of laudanum. Coroner Hills was notified to hold an inquest on the body.

Superior Court—Special Term.

Before Hon. Judge Hoffman.

The People, &c., vs. Gustavus R. Jonas.—I do not think the answer makes out a defence. But upon giving security to pay the judgment it may be opened, and the defendant let in to try the cause.

David Banks, Receiver, &c., vs. John P. Angevine et al.—Motion granted without costs.

Peter Steinheimer vs. Joseph Nathan et al.—Execution set aside. Default opened and liberty granted to defendant to answer. Judgment to remain as security.

Who Originated the Newfoundland Telegraph?

TO THE EDITOR OF THE HERALD.

There can be no doubt that "history will do justice" to all who promoted the accomplishment of the Atlantic telegraph. But some who most loudly assert this maxim seem desirous of forestalling the verdict of history in their own favor, to the exclusion of others equally, if not better, entitled to it. That the establishment of telegraphic communication between the eastern coast of Newfoundland and the continent of America, was the first great link in the chain of electric communication between the United States and England, no one will question. Certain publications of late in the *Tribune* and *Evening Post*, as well as an article in *Hunt's Merchant's Magazine* for this month, (which latter has only now come under my notice,) claim for Mr. H. B. Tebbets the honor of the project of the telegraph from the American continent to Newfoundland, and of its introductory relation to the Atlantic cable, with so very faint an allusion to another gentleman whose merits are ignored, that I beg the favor of a small space in your columns to state a few facts in reference to the origination of the project of the telegraph to Newfoundland, and in justice to its real projector, Mr Frederick N. Gisborne. I do so without meaning in the east to detract from the well earned merits of those who have planned and accomplished the Atlantic telegraph, and who, I am assured, sincerely desire that Mr. Gisborne should have the fullest credit for his early enterprise and labors.

It was then, during the winter of 1849-'50, that Mr. Gisborne, who had been as an engineer engaged in extending the electric telegraph through Lower Canada and New Brunswick to Halifax, N. S., conceived the project of a telegraph to connect St. Johns, the most easterly port of America, with the main continent. The importance of the geographical position of Newfoundland, in the event of a telegraph being ever carried across the Atlantic, was, about the same time, promulgated by Dr. Mullock, the Roman Catholic Bishop of Newfoundland, in a St. Johns newspaper.

In the spring of the following year (1851), Mr. Gisborne visited Newfoundland, appeared before the Legislature, then in session, and explained the details of his plan, which was an overland line from St. Johns to Cape Ray, nearly four hundred miles in length, and (the submarine cable between Dover and Calais not then having been laid,) a communication between Cape Ray and Cape Breton by steamer and carrier pigeons, eventually, it was hoped, by a submarine cable across the Gulf of St. Lawrence. The Legislature encouraged the project; granted £500 sterling to enable Mr. Gisborne to make an exploratory survey of the proposed line to Cape Ray, and passed an act authorizing its construction, with certain privileges, and the appointment of commissioners for the purpose of carrying it out. Upon this Mr. Gisborne, who was then the chief officer of the Nova Scotia Telegraph Company, returned to that Province, resigned his situation, and devoted himself to the project of the Newfoundland telegraph. Having organized a local company for constructing the first telegraph line in the island, from St. Johns to Carbonear, a distance of sixty miles, he, on the 4th September, set out upon the arduous expedition of a survey of the proposed line to Cape Ray, which occupied upwards of three months; during which time himself and his party suffered severe privations and narrowly escaped starvation, having to traverse the most rugged and hitherto unexplored part of the island. On his return, having reported to the Legislature favorably of the project, and furnished estimates of the cost, he determined to proceed to New York to obtain assistance to carry it out. During his absence on the survey a public meeting had been held at St. Johns to promote steam communication with England, towards which the contemplated telegraph to the continet was held out as an inducement; and now, for the first time, it was that Mr. Tebbetts' name was mentioned to Mr. Gisborne and at the instance of the Committee on Steam Communication, he was furnished with a letter of introduction to Mr. Tebbetts, who was known to be projecting a line of steamers from Galway to New York, which, it was expected, might thus be induced to call at St. Johns. Mr. Gisborne returned to St. Johns in the spring of 1852, when, at his instance, an act incorporating himself (his being the only name mentioned in it) and such others as might become shareholders in a company to be called the Newfoundland Electric Telegraph Company, was passed, granting an exclusive right to erect telegraphs in Newfoundland for thirty years, with certain concessions of land, by way of encouragement, to be granted upon the completion of the telegraph from St. Johns to Cape Ray. Mr. Gisborne then returned to New York, where he organized under this charter a company, of which Mr. Tebbetts and Mr. D. Holbrook were prominent members, made his financial arrangements with them, and proceeded to England to contract for the cables from Cape Ray to Prince Edward Island, and from thence to the main land. Returning in the autumn, he proceeded in a small steamer, in the month of November of that year, 1852, to stretch the first submarine cable, of any length, in America, across the Northumberland Strait, from Prince Edward Island to New Brunswick, which cable, however, was shortly afterwards broken, and a new one was subsequently laid down by the New York, Newfoundland and London Telegraph Company. In the spring of the following year, 1853, Mr. Gisborne set vigorously to work to complete his favorite project of the line (which he intended should be chiefly underground) from St. Johns to Cape Ray. He had constructed some thirty or forty miles of road, and was proceeding with every prospect of success, when, most unexpectedly, those of the company in New York who were to furnish the needful funds dishonored his bills and brought his operations to a sudden termination. He and the creditors of the company were for several months buoyed up with promises of forthcoming means from his New York allies, which promises were finally entirely unfulfilled, and Gisborne being the only ostensible party, was sued and prosecuted on all sides, stript of his whole property, and himself arrested to answer the claims of the creditors of the company. He cheerfully and honorably gave up everything he possessed, and did his utmost to relieve the severe distress in which the poor laborers on the line had been involved. Had the matter ended here he would have been utterly ruined in his worldly affairs; and whatever of merit in connection with the enterprise there may have been in leading Mr. Gisborne to rely on engagements which at the critical juncture so disastrously failed to be performed, is certainly due to his other New York associates. Mr. Gisborne himself was, however, not to be depressed by these discouragements, and about the end of the year 1853, with the consent of his creditors, he proceeded to New York to endeavor to retrieve his fortunes, and to obtain the aid of other parties to carry out his enterprise. He there, eventually, fell in with Mr. Cyrus W. Field, who, with others, agreed to pay off the debts of the company, and buy out their rights on condition of obtaining a new and more liberal charter, on a more extended plan, having for its ultimate object a telegraph from Europe to America. Together with the Messrs. Field & White, Gisborne returned to Newfoundland in the spring of 1854, and usefully exerted himself in procuring the new charter, in which his name appears as a corporator, and in which was therein inserted at my solicitation when the act had passed through several stages, in order that as the undertaking was now to pass into new hands, he might at least have the gratification of seeing his name permanently connected with a project which had been originated by his enterprise, and in which he had undergone so many reverses of good and ill fortune. Simultaneously with the granting of the new charter an act which had been passed granting a bounty for steam communication with England was repealed. The history of the New York, Newfoundland and London Telegraph Company is already before the public. Gisborne became its chief engineer, which post he shortly resigned, but was subsequently, in the year 1856, re-engaged in that capacity, in which he completed the construction of the land line from St. Johns to Cape Ray—a very costly and arduous undertaking. The project of an ocean telegraph line was not embraced in Mr. Gisborne's charter, it being intended to complete the communication with Europe by means of steamers from Newfoundland to Ireland; nevertheless, Mr. Gisborne had some correspondence with Mr. Brett upon the subject of a telegraph across the Atlantic so early, I believe, as 1852; but like other similar and previous conceptions no actual steps were taken to carry out any such project. In the spring of 1857 a numerous body of Mr. Gisborne's friends in Newfoundland, in order to demonstrate their appreciation of his enterprise, and in particular his energetic services in the cause of telegraphic communication between Newfoundland and the continent of America, entertained him at a public dinner at St. Johns, and then presented to him a testimonial, in the shape of a handsome and valuable piece of plate.

In concluding this brief and imperfect sketch of Mr. Gisborne's connection with the telegraph to Newfoundland I ought not to omit to claim for the colony of Newfoundland the justice which I think has hardly been accorded to her as the earliest, and in proportion to her means, the most liberal patron of the ocean telegraph.

17 BROADWAY, Sept. 23, 1858. E. M. ARCHIBALD.

Supreme Court—Chambers.

THE ENGLISH EMBEZZLEMENT CASE.

Before Mr. Justice Davies.

Jonathan Peel vs. James Sutton Elliott.—Mr. Whittaker, upon the part of the plaintiff, was about reading the proceedings which had taken place in the English Court of Exchequer, when

Judge Davies said that the question to be considered was whether an agent who received money from his principal, to be disbursed by him, as agent for his principal in a specified manner, and he neglected so to apply the money, but on the contrary applied it to his own use, alleging his right so to do, on the ground of satisfying a claim which he had against his principal, although such claim was wrongfully made in fact, whether the defendant could be arrested.

Mr. Hall, for the defendant, took the negative side of the proposition, when plaintiff's counsel asked for an adjournment, with a view of examining the question.

The case was adjourned to Saturday morning at half past nine o'clock.

Personal Intelligence.

Among the distinguished guests now staying at the Clarendon Hotel we notice the names of his Excellency le Comte de Sartiges and family, French Minister at Washington; his Excellency M. de Osma, Peruvian Minister at Washington; Baron Ostensacken, Russian legation; Baron Boyd, do.; Waldemar Bodisco, do.; Captain Sheslakoff, Russian navy; Capt. Inman, United States navy; Lieut. Col. Bonamy, British army; Lieut Col. Rowan, Royal Artillery.

ARRIVALS.

From Richmond, in the steamship Roanoke—W S Phillips and son, T F Humphreys, C S Dawson, W H Tixon, A Pizzini, W A Blossom, P Bryson, A J McDonigle, J W Hamilton, M Wilinski, J P Lay, A Gallagan, A Bliven, S S McGinnis, A Knapp and lady, Mrs G F Morris and two daughters, J T Morris, Miss A R Butts, Miss H McCarthy, Mrs M Monroe and daughter, Dr Walker Hayall, D J Burr, Dr R R Ritchie, W O George, Miss M B Roberts, H Meyer, F Wooster, J W Leadenham and daughter, Prof Julian, De Ry and lady, W H Murdough, U S N, R H Northrup, Wm Matthews and daughter, Mrs Clarke, Miss P Clarke, Miss M Gurst, Mrs M Kirby and daughter, Miss M Hepberg, D Mountain—and 13 in the steerage.

From London, in the ship Margaret Evans—Chas Shaw, Wm B Gibbs, W Benwell, all of London.

From Turks Islands, in the ship Sarah March—S F Baker and lady, of Albany; Miss Hale and servant, of Virginia.

From Porto Cabello, in the brig Seguine—Miss D Van Praag, Miss C Cushes.

From Pensacola, in the schr Lucy Witham—Rev Vincent Palen and lady.

Supreme Court.

Before Hon. Judge Ingraham.

IN RE THE PETITION OF CATHARINE LESLIE—IMPORTANT DECISION—INTERESTING CASE.

SEPT. 24.—Judge Ingraham delivered an elaborate opinion in the above matter. He said:—The evidence in this case discloses a state of facts in regard to the child of the petitioner which has rendered it extremely difficult to arrive at a satisfactory conclusion and decision. The petitioner, while unmarried, became the mother of the child, and at the age of six months she agreed to bind the child to the respondents, for the purpose of carrying out an agreement entered into by her to give the child to them. An instrument was executed by which the child was decreed to one of the respondents to be adopted by them as their child. The child was placed in their possession, and has since been supported, clothed and adopted by the respondents in a suitable manner as their own child, and the evidence shows in a manner calculated to give him a good education. From that time the mother has in no way aided in the support or care of the child, not even so much as seeing him or inquiring as to his welfare. For eleven years the respondents have acted towards the child as his parents, and claim now to be attached to him as an adopted child, to whom they purpose to give their property. During the greater part of this time the mother was living an abandoned life. From her own statement and that of her husband she has reformed, and during the last five years she has been a member of a church. The mother of a child having no known father is undoubtedly entitled to the custody of it. She is its only parent, and is alone bound for its support; and if this was the only question in the case, I should have no hesitation in ordering the child to be delivered to its parent. The indenture signed on behalf of the child, so far as it purports to come from the Commissioners of the Almshouse, is not valid, inasmuch as it is not executed in conformity to the provisions of the statute. Nor is it binding upon the infant, as indentures of apprenticeship. It purports to be a binding for the purpose of adoption as a child. No such binding is authorized by our laws, and if the infant sought to avoid it, I am of the opinion that it would give the respondents no right to reclaim him against his will. In addition to the binding by the Almshouse Commissioners, is the consent of the mother to this contract with the respondent for the clothing, board and education of the child until he arrives at the age of twenty-one years. Under such circumstances there is no hardship in saying that the interest of the infant should be the first consideration in the decision of this case. The abstract right of the mother to the child may be thus waived by her own agreement, and unless it appears manifestly for the interest of the infant to take the child from the respondents and deliver it to the mother, the duty of the court would be discharged by merely inquiring whether there was any improper restraint, and, if there was any, by discharging the child therefrom. I have less hesitation in such a conclusion, when I consider that the mother has never shown any regard or affection for the child since it was six months old, but has left the whole burthen and expense of its support and education to the respondent. Upon this question, however, there is some considerable difficulty. If the respondents continue in the same course of life that the evidence shows to have existed for some years past, their house is not a proper place to bring up this child. The statements made on their behalf, like those on the part of the mother, are that they have abandoned such immoral courses and have reformed. It appears that the suggestion of the respondents' counsel would, under all the circumstances, be most for the benefit of the infant, if any satisfactory arrangement can be made to secure that result. That suggestion is to place the child in a suitable boarding school at the expense of the respondents. From the examination of the child, it is apparent that he is under no restraint from which he desires to be relieved, but that he wishes to remain with the respondents. It is proper to add that this application was returnable before me and not before the court, and as in the case last referred to, it would have been more properly made to the court where the equity powers of the court could give more suitable directions as to the care and custody of the child than can be ordered by a judge in this proceeding. For the purpose of enabling the respondents to carry out the suggestion above mentioned, I shall make no order to deliver the child to the petitioner, but I direct this matter to be adjourned to the 21 Monday of October, at 10 A. M., before me. In the meantime the respondents must make suitable provision for the child, at a suitable boarding school, so that it may then appear that the interests and welfare of the child will be best promoted by leaving him under their charge. If no such arrangement is made before that time, the petitioner may renew this motion on the adjourned day.

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Gentlemen's Boots.—Impressively let us say the best styles of boots, elegantly made, of the finest material, are at CANTRELL'S, 813 Broadway, between Eleventh and Twelth streets.

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We now offer the following fall goods, of our own importation, selected by our agents with the strictest regard to beauty, and of qualities rarely brought to this country.
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Received from the most fashionable makers by recent steamers.
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Made expressly for our customers.
LEARY & CO.,
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Black Cloth Dress Frock Coats, $5 to $20, At EVANS', 66 and 68 Fulton street.

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Courier and Enquirer says Play Billiards at BASSFORD'S, Court and Remsen streets, Brooklyn; 149 Fulton. He allows no betting. Makes best tables.

Boy's and Youth's Clothing—Fall and Winter styles now ready at 31 John street, corner of Nassau. D. L. CORNELL.

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THE NEW YORK WEEKLY HERALD.

The Fall Fashions—Affairs in Washington—News from Europe, China, Mexico, Cuba, St. Domingo, South and Central America, &c.—Later from Utah—The Great National Horse Show—Latest Intelligence—Markets, &c., &c.

The WEEKLY HERALD will be published at ten o'clock this morning. Among its contents will be found the following:—

Affairs in Washington—The Slaver Echo—The Paraguay Expedition—The new Isthmus Route across Central America, &c.

News from Europe—The new Treaties with China—Commercial Intelligence, &c.