FINANCIAL AND COMMERCIAL.

THURSDAY, Nov. 16—6 P. M.

The stock market was dull at the early session of the open board. Erie sold at 92¾, Hudson River 108¾, Reading 114¾, Michigan Southern 75⅞, Cleveland and Pittsburg 92⅞, Rock Island 106¾, Northwestern 33, preferred 65; Fort Wayne 104½, Cumberland 43½. At the first regular board the speculative feeling was rather tame. New York Central closed ⅛ lower than at the second board yesterday, Erie ¼. Michigan Southern was ⅞ higher, Northwestern ¼, Cleveland and Pittsburg ¾. Northwestern preferred was unchanged. Western Union Telegraph was 3 per cent lower. Government securities were stronger under purchases by the regular dealers. Coupon five-twenties of the old issue advanced ¾, third issue ⅛; seven-thirty notes of the second series ⅜, third series ⅛. After the call the market improved, and at the open board at one o'clock it was strong. At the second regular board it was firm. New York Central closed ⅛ higher than at the first board, Hudson River ¼, Michigan Southern ¼, Northwestern ⅝, preferred ¼. Cleveland and Pittsburg and Canton unchanged. Erie was ⅛ lower. Prairie du Chien was steady at par. Government securities were stronger. Coupon sixes of 1881 were ⅛ higher, coupon five-twenties of the third issue ¼, seven-thirty notes of the third series ⅛. One year certificates were steady.

At the open board at half-past three the market weakened, and New York Central closed at 97, Erie 92⅞, Hudson River 109, Cleveland and Toledo 102, Michigan Southern 76⅝, Cleveland and Pittsburg 92¾, Northwestern 33¾, preferred 65; Fort Wayne 104, Ohio and Mississippi certificates 29, Cumberland 43½, Schuylkill Coal 9¾, Quicksilver 48, Mariposa 13¾. Afterwards, on the street, prices were a fraction lower.

The inquiry for money was less active than yesterday on the Stock Exchange, and the demand was freely met at seven per cent. There is nothing in the condition of the loan market to interfere with the course of speculation in stocks, the prevailing dulness in Wall street being attributable to other causes. There is an indisposition to make new contracts among the old conservative houses, and the outside support which the market is receiving is insufficient to give it a decided upward impulse. The experience of the Prairie du Chien corner has made both brokers and speculators weigh the risks of selling "short;" while the high prices at which stocks are now selling make them timid of operating for a rise, with the conviction before them that before long lower quotations must rule. Meanwhile all ordinary calculations are set at defiance by the erratic movements of the clique stocks. Cliquism underlies and controls the whole market, and when combinations withdraw their support prices will sink, preparatory to a fresh rise. It is not inconsistent with this view of the case, however, to look for higher figures pending such withdrawal. But on the whole, two or three clique stocks excepted, the present aspect of the street favors the continuance for a short time longer of a mere "brokers' market," in which every week's advance will be lost in the succeeding week, and in which the majority outside of the cliques will be contented with short turns and quick returns.

The recent depression of government securities is attributable in part to the failure of the Treasury Department to furnish the banks subscribing to the recent fifty million funding loan with their bonds in exchange for their notes promptly. Many of these, not having yet received the bonds to which they are entitled, have been forced to sell other securities to make up for the deficiency, and this has induced sales by other parties and weakened the market for all classes of national securities. The Treasury Department should have prepared the bonds for delivery before the subscription to the funding loan closed, and so have obviated the inconvenience to the subscribers which the absence of this foresight has caused them. Although the compound interest notes paid in were inert, they served as reserves, and the increased activity of the money markets all over the country since the time of the subscription has made their absence felt in quarters where the effect was most unexpected. However large the volume of the currency may be, no form of contraction can be adopted without its pinching somewhere; for trade and commerce and the wants of the community adapt themselves speedily to every change in the amount of the currency, absorbing all fresh issues rapidly and yielding under contraction. The former is always a pleasant and easy process, the latter a painful and difficult one.

The discount demand is active at 7 a 9 per cent for first class commercial paper, and 10 a 12 for the second grade.

Gold was barely steady. The market opened at 147¼, and closed at 147. Loans were made at 1-32 per cent early in the day, but afterwards the rate was six per cent in favor of the lender.

The deposits of gold at the Sub-Treasury have thus far aggregated about a million of dollars. The certificates issued in acknowledgment of the receipt of the same are receivable for customs duties, and are also payable on presentation. They are already in active circulation.

Foreign exchange is dull but firm at 108⅝ a 109 for bankers' bills at sixty days.

Petroleum stocks were irregular. At the first board Pithole Creek closed 25c. lower than at the same time yesterday, United States 10c., Webster 4c., First National 15c., Fee Simple 6c., Oceanic 5c., New York, Philadelphia and Baltimore 10c. New York and Newark was 3c. higher, Palmer Petroleum 15c., Bennehoff Run 55c., Brindley 2c. The rest of the list was steady. At the second board Pithole Creek closed 25c. higher, selling at $13 40. Fee Simple was 7c. lower, selling at 22c.; First National 9c., selling at 61c.; United States 20c., selling at $27 35. Ham McClintock sold at $6 80, Bennehoff Run $17 20, Buchanan Farm 60c.

The Titusville (Pa.) *Herald* of the 14th inst. makes the following announcement of the sudden failure of a well known oil well, showing that the duration of the yield of even the most productive wells is a matter of great uncertainty:—

The stoppage of the Frazier or United States well, which occurred on Friday last, naturally creates some sensation among oil men. We personally visited the well a fortnight since, when it was producing about four hundred and eighty barrels per day—a very marked decline from what it was popularly rated outside. The report that it had entirely failed on Friday was generally discredited, but it is confirmed. The cessation of the flow was sudden and unlooked for, and was first made known to the company by two visitors at the well, who discovered that it had ceased flowing, and reported the circumstance at the office.

The Frazier was the first well struck on the Holmden farm. It was struck in the early part of January last, and started at two hundred and twenty-five barrels per day. It is the second productive well of any consequence that has faded. The Holmstead, which was the second well struck, suspended operations some time ago. Both wells have proved highly remunerative to their owners, and have made name and fame for Pithole.

At a meeting of the Atlantic Mail Steamship Directors held to-day Mr. D. B. Allen was elected President, Samuel Barton Treasurer, and Franklin Allen Secretary. The annual meeting of the Pacific Mail Steamship Company resulted in the re-election of the old board, with the exception of the substitution of Mr. C. K. Garrison for Mr. George H. Russell.

It is expected that the Stock Exchange will be removed to the new building in Broad street about the 1st of December, where the board will remain in session continuously within certain hours, after the manner of the London Stock Exchange. The details of the arrangements for the transaction of business have not yet been finally decided upon.

The business at the Sub-Treasury to-day was as follows:—

Total receipts	$1,633,922
Payments	1,868,432
Balance	58,091,915
For customs	483,000
On account of government loan	143,000

Stock Exchange.

THURSDAY, Nov. 16—10:30 A. M.

$100000 US 6's, '81, reg	105¼	100 shs Le & S C..b15	10¼
25000 US 6's, '81, c..	105⅜	200 do	10⅜
850 US 6's 5-20, c '62, s	100	500 Schuylkill Coal Co	9
$2000 do	101¾	100 Quicksilver M Co	48¾
1500 do c	101⅞	400 N Y Central RR.	96⅛
10000 do..2d call	102	100 do..b10	96⅜
5000 US 6's, 5-20, c '65	99¾	100 do..b30	96¾
100000 do	99½	150 Erie RR	92⅛
37000 Tr n, 7 3-10, 2d s	96¾	100 do..b10	92⅜
1500 do..3d ser	96¾	400 do	92⅞
15000 US 6's, 1 yr c n s	97½	100 do..2d call	92⅞
20000 Tennessee 6's	87	100 Hudson River RR	108⅜
2000 do	87¼	500 do..b3	109
4000 N Carolina 6's	82⅛	200 do	108⅞
4000 Mo 6's, Pac RR is	74½	600 Reading RR	114⅛
1000 Missouri 6's	74⅞	100 Mich Cen RR..s60	114½
3000 do	74½	100 do	116
15000 Ohio & Miss cer.	29	100 do	115⅞
2000 N Y Cent 6's, '83	91	1700 Mich So & N I RR	75½
1000 Erie 1st mort..	100	300 do	75⅝
500 N Y 6's, 1873..	97½	1100 do..b10	75¼
2000 Alt & TH 1st m	90	200 do	75⅛
1000 Mich Cent 8 pco.	112	500 do..2d call	76½
3000 Clev & Tol s f bs	98	100 Cleve & Pitts RR	92⅞
1000 Pitt, Ft W & C 1s	102½	500 do..b60	93
2000 Chic & Alt 1st m	96	200 do	93
40000 American gold	147¼	400 do	93¼
20 shs Ocean Bank.	90	46 Clev, Col Cin RR.	128
22 Bk Commerce...	108	600 Chic & N W RR.	33
30 Shoe & Leather Bk	101	100 do..s10	33
600 Canton Company	44¾	100 do..b10	33
50 do	45	100 do..b30	33⅛
100 do..b30	45	50 Chic & N W pref	65¾
50 Penn Coal Co	182	400 do	65
100 Spring Mount Coal	55	100 do..2d call	65
50 Western Un'n Tel	65	70 Chic, Burl & Qy RR	111
400 Mariposa M'g Co.	13	250 Tol, Wab & W RR	60
100 Wyom V Coal Co	52		

SECOND BOARD.

HALF PAST TWO O'CLOCK P. M.

$10000 US 6's, '81, reg	105¾	400 shs M So & NIa RR	76¾
10000 do	105½	200 do..b30	76⅞
1000 U S 6's, '81, cou	105¾	300 do	76⅝
12000 US 6's, 5-20, c '62	102	1000 Cleve & PRR..b10	93¼
10000 US 6's, 5-20, c '65	99¾	200 do	93⅛
1000 US 5's, 10-40, c	91¼	100 Chic & N W RR.	33⅜
1000 Tr n, 7 3-10 1st s	97	600 do	33½
5000 do..3d ser	96¾	100 do..s15	33½
27000 US 6's, 1 yr c, n is	97½	100 do	33⅝
200 shs Canton Co	44¾	400 Chic & N W pref.	65¼
200 do..b30	45	200 Chic & Rk Isld RR	108½
200 Mariposa Mng Co	13¼	300 do	108¾
200 do	13⅝	600 do	108⅞
200 N Y Cent RR. b30	97	100 do..b30	109
100 do	97	60 Chic, Bur & Qcy RR	111¼
100 Erie RR..b10	92⅞	1000 Mil & Pra du C RR	100
200 do	92¾	666 Mariposa 1st pref	60
200 Hudson Riv RR.	109¼	50 Pitts, Ft W & C RR	104¾
100 do	109½	300 do	104½
100 M So & NIa RR. s30	76	1000 do	104⅞
100 do..s30	76¼		

CITY COMMERCIAL REPORT.

THURSDAY, Nov. 16—6 P. M.

ASHES.—Receipts, 95 packages. The market was dull and prices entirely nominal for want of stock.

BREADSTUFFS.—Receipts, 14,666 bbls. flour, 190 do. and 110 bags corn meal, 109,663 bushels wheat, 82,431 do. corn, 99,215 do. oats, 7,550 do. rye, 697 do. malt, and 9,250 do. barley. The demand for State and Western flour was somewhat better, and prices were steady. The sales were about 11,000 bbls., at our subjoined quotations. Southern flour was rather more active, but prices ruled lower. The sales comprised 1,300 bbls. The market for Canada flour was without important alteration in any particular. The sales embraced 400 bbls. Rye flour continued quiet. Corn meal was very firm, in consideration of the reduced stock. We note sale of 100 bbls. Brandywine at $5. We quote:—

Superfine and Western flour	$7 75 a	$8 10
Extra State	8 20 a	8 35
Choice State	8 40 a	8 50
Common to medium extra Western	8 25 a	8 75
Extra round hoop Ohio	8 95 a	9 10
Western trade brands	9 15 a	12 10
Common Southern	9 50 a	10 50
Fancy and extra do	10 60 a	16 00
Common Canadian	8 25 a	8 45
Good to choice and extra	8 35 a	11 90
Rye flour (superfine)	6 50 a	7 00
Corn meal, Jersey	4 50 a	4 65
Corn meal, Brandywine	4 85 a	5 00
Corn meal, Brandywine, puncheons	25 00 a	25 50

—The inquiry for wheat was moderate and prices were steady. The sales were about 50,000 bushels, at $2 60 for new amber Michigan, $2 40 a $2 45 for new amber State, $1 78 a $1 88 for Milwaukee club and $1 78 a $1 87 for Chicago spring. A fair demand prevailed for corn, and prices were a trifle in seller's favor, though no decided change was perceptible. The sales were about 90,000 bushels, at 88c. a 93c. for unsound, 94c. a 95c. for sound mixed Western, and $1 for white Western. The transactions in oats were to a very moderate extent, and prices were drooping. The sales were at 46c. a 52c. for unsound, and 60c. a 62c. for sound. Rye was quiet and unchanged. Barley and malt were inactive, and prices ruled nominal.

COTTON.—Receipts, 3,332 bales. The market was much more active, and we noticed increased firmness on the part of holders, and a slight advance in prices, principally for middling grades of New Orleans, the supply of which was hardly sufficient to meet the requirements. Some holders were firm at 52c. The sales were 7,750 bales, mostly for shipment. We quote:—

	Upland.	*Florida.*	*Mobile.*	*N. O. & T.*
Ordinary	34	35	35	36
Middling	50	50	51	51½
Good middling	52	52	53	54

COFFEE was quiet and unchanged. We heard of no further sales.

FREIGHTS were lower but more active at the concession, and large shipments of grain were reported to Great Britain. Cotton freights were rather quiet and heavy. The engagements were:—To Liverpool, 70,000 bushels corn, at 6d.; 14,000 do. wheat, at 6½d. a 6¾d.; 500 bales cotton, at ⅝d. Per steamer, 500 bales cotton, at ⅝d.; 1,500 boxes cheese, at 40s.; 100 do. bacon, at 25s. To London, 14,000 bushels corn, at 6½d. and 14,000 do. wheat, at 6¾d. A bark was chartered, from Philadelphia to Cork, for orders. Petroleum, 6s. 6d.

HOPS.—The market was unchanged in every respect. The sales were 190 bales, at 10c. a 42c. for old crop, and 35c. a 65c. for new crop, the latter an outside rate.

MOLASSES.—The market continued dull, but holders were generally firm, and we heard of no concessions. The sales were all in small lots and hardly noticeable.

PROVISIONS.—Receipts, 93 bbls. pork, 492 packages beef, 19 do. cut meats, 31 do. lard, 1,407 do. butter, and 6,990 do. cheese. The market for pork was fairly active and prices were without special change, mess closing the same as yesterday—$33. The sales included 850 bbls. mess, seller's option all the year, at $32 50, and 7,500 bbls., for immediate delivery, at $33 a $33 25 for mess and $28 50 a $28 75 for prime mess. The beef market was steady, with a fair demand. The sales were 800 bbls., at $11 a $14 for plain mess and $14 a $17 for extra mess. Beef hams were dull, but unchanged. Bacon continued inactive. We only heard of sales of about 25,000 pounds smoked bellies at 19c. Cut meats were in limited supply, and trade was considerably restricted. On this account we notice sales of 150 packages at 15½c. a 16½c. for shoulders, and 19c. a 22c for hams. The lard market was very dull and a shade weaker, with sales of 500 packages at 24c. a 28½c., the latter an extreme rate, for small lots choice kettle rendered. Butter was firm at 30c. a 42c. for Western, and 40c. a 55c. for State. Cheese was quiet at 14c. a 19c. for common to prime factory made.

PETROLEUM.—Receipts, none. The market was steady under a fair inquiry for shipment at about previous prices. The sales were about 11,000 bbls., part in Philadelphia, at 39½c. a 40c. for crude, 61½c. a 63c. for refined, in bond, and including a large lot at 61c. in Philadelphia for export. Free was quiet at 79c. a 81c.

RICE.—We heard of no sales, except in a very small way. Prices, however, were without material alteration.

SUGAR.—The transactions were very light and prices drooping, sales being made at a decline of ⅛c. per lb. The sales were 145 hhds. Cuba muscovado, mostly at 14c. a 14½c., but part at a private price. Refined was fully ¼c. a ½c. lower, with a very moderate demand. The following is from Stuart's circular:—Best crushed sugar, 20c.; granulated sugar, 19¾c.; ground sugar, 19½c.; white sugar (A), 19c.; yellow sugar (C), 18c. per lb., cash.

STEARINE GREASE.—We note sales of 30,000 lbs. at 12½c. a 16½c. The market was steady at previous prices.

TOBACCO.—Receipts, 120 hhds. and 152 packages. The market was dull, but prices were steady. The sales of all kinds were confined to small parcels.

TALLOW.—The demand continued active and prices were very firm. The sales were 140,000 lbs. at 8¼c. a 14⅝c.

WHISKEY.—Receipts, 266 bbls. The market was dull and irregular. Small lots were sold at $2 43 a $2 45 per gallon.

Sales of Real Estate.

By Muller, Wilkins & Co.

House and lot, No. 133 Clinton place	2[illegible]0
One lot, north side of 132d st., 75 ft. west 10th av.	350
One lot adjoining	350
One lot north side of 138th st., 475 ft. east 6th av.	400
One lot adjoining, on the east	320
One lot adjoining	265
Two lots north side of 138th st., 350 ft. east 6th av.	840
House and lease of lot No. 213 East Broadway	5,450
House and lease of lot No. 205 East Broadway	6,000
House and lease of lot No. 132 Monroe street	3,150

By A. J. Bleecker, Son & Co.

2d av., east side, comprising the entire front between 53d and 54th sts., 8 lots	$37,500
1 lot on Bleecker st., bet. Charles and Perry	4,000

THE WEEKLY HERALD.

The Cheapest Newspaper and Best Literary Family Journal in the Country.

The WEEKLY HERALD for the present week, now ready, contains:—

A full report of the Execution of Capt. Wirz, the Andersonville jailer, at Washington, and of his actions and conversation previous to the hanging; Full account of the death of Preston King, late Collector of the port of New York, with a description of his personal appearance, general habits, antecedents, &c.; The latest intelligence from South Carolina, Georgia, Tennessee and other Southern States; An interesting article on "British Fair Play," with a list of the persons in Great Britain who furnished the Rebels with articles contraband of war; Account of the movements of Lieutenant General Grant in New York city; Late and interesting intelligence from Europe and other parts of the World; Editorials on leading events; The Current News of the day; the European Winter Fashions; Poetry—"Kiss Me Before I Go" (written for the WEEKLY HERALD); "Song" (translated from the German for the WEEKLY HERALD); "The Dead;" Two highly interesting stories, written expressly for the WEEKLY HERALD, entitled "The Way to Wilmington," and "Aunt Phebe's Ghost;" Musical and Theatrical review for the week; Interesting Literary, Artistic and Scientific reading; Religious Intelligence; Sporting News; Seasonable Reading for Farmers and Gardeners; Varieties; Facetiæ; Valuable reviews of the Money, Commercial, Dry Goods, Boot and Shoe, Horse, Cattle and Family Markets, and accounts of all interesting events of the week.

TERMS.—Single subscription, $2; Three copies, $5; Five copies, $8; Ten copies, $15. Single copies, Five cents each. A limited number of advertisements inserted in the WEEKLY HERALD.

The Military Post on Staten Island.

GENERAL ORDERS—NO. 161.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE, WASHINGTON, Nov. 7, 1865.

The military post on Staten Island, New York harbor, now known as Fort Richmond, will hereafter be called Fort Wadsworth, in memory of the gallant and patriotic services of Brigadier General James S. Wadsworth, who was killed at the head of his command in the battle of the Wilderness, Virginia, May 6, 1864. By order of the SECRETARY OF WAR.

E. D. TOWNSEND, Assistant Adjutant General.

ALLEGED MURDER.

Trial of William Keefe for the Homicide of John Abrams.

COURT OF GENERAL SESSIONS.

Before Judge Russel.

Yesterday the trial of Wm. Keefe, charged with killing John Abrams, in East Twelfth street, was commenced. There was no difficulty experienced in procuring a jury. Assistant District Attorney Bedford opened the case, as follows:—

YOUR HONOR AND GENTLEMEN OF THE JURY—William Keefe, the prisoner at the bar, has been indicted by the Grand Jury for the crime of murder in the first degree, being charged with having wilfully and maliciously taken the life of John Abrams on the night of the 5th of June last. Before relating the facts in this case, which are brief and of a sad and painful nature, it becomes necessary for me to define what murder is, so that you may the more readily follow the evidence as it will be developed upon the trial. Murder in law means the killing of a human being with malice aforethought; to constitute murder, therefore, the killing must be premeditated, wilful and malicious. It matters not in law whether the intent to take life be formed an instant before the fatal blow is dealt, or whether the intent be conceived for days. Gentlemen, in the case before you the people will prove that on the evening of the 5th day of June, about ten o'clock, the prisoner was standing in front of the premises No. 259 East Twelfth street, in this city; and we shall show that he had been generally abusive in his language and in other ways to the passers by. The people will prove that the deceased, urged by the kindest motive, and anxious to shield the prisoner from the consequences of his imprudent conduct, approached him, and remonstrated in a calm and friendly manner against his rudeness, admonishing him of its impropriety, and begging him in gentle words to desist. We will also show that, instead of heeding this advice in the same philanthropic spirit in which it was given, the prisoner, as if nerved to mischief, instantly drew forth a knife and plunged it deep into the bowels of the unfortunate deceased, causing his death. Thus this poor man, whose object was one of pure benevolence, whose only impulse was to do a good act and rescue the prisoner from the consequences of his own misconduct, was suddenly struck from earth, and died in his own gore. "Life but rallied for the instant, as the light flickers up in the waning taper." Here, gentlemen of the jury, we are reminded of the fable of the serpent and the kindhearted husbandman who carried to his home the congealed animal, gave it shelter, gave it warmth and restored its vitality, and in return the serpent infused the poison of death into the veins of its benefactor. Gentlemen, I have given you the brief but painful details of this case; if they be proved, as I am sure they will be to your satisfaction, so that there shall be no reasonable doubt in your minds, the imperative duty imposed upon you under a full appreciation of the solemnity of the oath which has just been administered to each and all of you is to render a verdict of guilty, which will necessarily deter others from the perpetration of similar outrages.

Dr. Wooster Beach testified that he made a post mortem examination of the body of John Abrams and found a cut in the abdomen which penetrated the intestines and allowed the blood to escape. In his opinion the wound was the cause of death.

John Fee, James McManus, James Harvey, Ann Lynop, Mary Graham, Mary Skelly, Mrs. Abrams and officer Kennedy were examined for the prosecution. The facts are in a small compass. It appeared from their testimony that the prisoner was using abusive language towards the passers by, when the deceased kindly remonstrated with him and requested him to go into his house. He refused, and immediately drew a knife and stabbed Abrams in the abdomen, inflicting a wound which resulted in his death forty-eight hours afterwards. Mrs. Abrams, the wife of the deceased, testified that Mary Graham came for her and told her that Mr. Abrams and Mr. Keefe were talking together and perhaps they might quarrel, when Mrs. Abrams replied that she was not afraid of her husband quarrelling; when she came out she said to the deceased, "Come up here and don't talk to that man, you don't know him;" the deceased turned round and said, "What is he doing with a knife in his hand insulting folks going past?" She replied, "That is none of your business." As he was going towards the door Keefe called him some name, whereupon the deceased told him to go into the house, go to bed and put his knife away. Immediately after the prisoner stood back and made a thrust at Mr. Abrams, who put his hand on his stomach and said, "Oh, I am stabbed." She said to the prisoner, "Oh, you villain, you killed my man." "Yes," said he, "and I will give it to you or any one else who comes before me," making a dart at her. It was also in evidence that he threatened to stab James Harvey, and some of the witnesses testified that Keefe was under the influence of liquor.

The hour for adjournment having arrived, the Assistant District Attorney said that he had no other witnesses to examine before closing his case. Messrs. Townsend and Anderson were assigned by the Court to defend Keefe, and as soon as the prosecution rests they will proceed with the defence, which will probably occupy the whole of the day.

Board of Supervisors.

THE UNRECORDED WILLS IN THE SURROGATE'S OFFICE—THE CENSUS MUDDLE.

The Board of Supervisors met yesterday, Supervisor Tweed presiding.

Supervisor PURDY moved that as information had been received that there are four hundred unrecorded wills in the Surrogate's Court, involving property to the amount of several millions of dollars, and as this seriously interfered with the business of the Surrogate's Court, and was alleged to be in consequence of insufficient clerical assistance, the Committee on Civil Courts be directed to confer with the Surrogate upon the subject. The resolution was adoted.

The Special Committee on Volunteering to whom were referred the bills of the State census enumerators, respectfully report that whatever question there may be in regard to the proper discharge of duty by these officials the Board of Supervisors would seem to have no alternative but to audit the bills.

Supervisor PURDY said if it be true that as many as three thousand people in one of the small wards of the city be omitted in the census of the city, as has been stated, it is too serious a matter to be passed over. Does any one believe that the population of the city has decreased?

Supervisor STEWART—There are some who believe it has been overrated.

Mr. PURDY—Then the previous census was wrong.

Mr. STEWART—I don't know anything about that.

Mr. PURDY—A wrong has been inflicted on New York, I am certain, by this census. The enumerators were incompetent.

Supervisor STEWART—The enumerators were sworn to do their duty, and I believe they did it. There were persons who hesitated to give or refused to give information to the enumerators, on account of the draft or some other public liability; but this was not the fault of the enumerators.

Supervisor ELY had no doubt but that the city was cheated out of one-fourth of its real number of inhabitants at least by the last census.

Supervisor PURDY wished it to be understood that New York has been misrepresented by the census, but he was, nevertheless, for paying all the bills that the law allowed.

The PRESIDENT stated that the law required the enumerators to be paid.

Supervisor ELY called for information as to what had been done towards enumerating the population by the committee to whom the subject was referred.

Supervisor BLUNT replied that very little had yet been done, and that the committee were unprepared to give any information yet that would be of any value.

Supervisor SHOOK wanted to amend the report by moving that a postponement of the matter be had, and that a minority of the committee be permitted to report upon it at some future time. The amendment was lost.

Supervisor PURDY moved that the subject lie over till the next meeting of the Board. The motion was carried. He then moved that when the Board adjourn it adjourn till noon to-day for the purpose of considering the question. This motion was also carried and the Board adjourned.

The Board then commenced to canvass the votes of the recent election in the capacity of county canvassers.

The Bates and Baxter Gold Company.

ACTION AGAINST THE CORPORATION FOR ALLEGED SALE OF FRAUDULENT STOCK.

SUPREME COURT—SPECIAL TERM.

Before Judge Sutherland.

NOV. 16—*John A. Butler, Marshall Jewell and Wm. C. Callender vs. Chas. F. Livermore, Henry Clews, Wm. H. Bend, Geo. H. Bend and Theodore J. Fowler.*—The plaintiffs in this case apply to the Court sitting in equity for relief, on the ground that they were induced by fraudulent representations to purchase fifteen hundred shares of the stock of "The Bates and Baxter Gold Company," paying therefor the sum of $45,000, which they now demand to be paid back to them for the reasons set forth in their complaint. In their petition for relief the plaintiffs, who are residents of Hartford, Connecticut, set forth that the defendants, who are stock brokers and dealers in other securities, represented that the Bates and Baxter Gold Company was a great institution, with a capital of two millions five hundred thousand dollars, divided into fifty thousand shares, and patronized by the most influential and honorable gentlemen. Mr. George S. Robbins, the plaintiffs allege they were told, had subscribed for five hundred shares, and that this fact was urged as an inducement for them to go and do likewise. They also aver that the defendants declared that $13,000 worth of gold was turned out of the mines monthly; that the stock was so valuable that it could not be purchased for less than $35 per share, and that monthly dividends would be declared. In consequence of these attractive representations Butler & Co. allege that they agreed to take one thousand five hundred shares at $30 each, making altogether a sum of $45,000, which they duly paid on delivery to them by Livermore & Co. of the certificate of stock. Subsequent to the execution of this bargain Butler avers that he discovered he had been humbugged; that none of the stock in point of fact was upon the market at all; that it had no intrinsic value, and that there was consequently no rush of eager parties to purchase it. According to the complaint the stock was the property of the defendants at the time of the sale of the one thousand five hundred shares, and was not upon the market at all in point of fact until several months afterwards. After this discovery the plaintiffs demanded back their money on a return of the stock, which being refused the present action is brought. The answer is a general denial.

THE DISPUTED RAILWAY FARES.

The Extra "One Cent" in Court—Its Exaction a Legal Right—Powers of Conductors Over Non-Paying Passengers—Judge Peckham's Charge on the Law Governing the Case—Suit Against the Second Avenue Railroad Company—Verdict for the Defendants.

SUPREME COURT—CIRCUIT.

Before Judge Peckham.

A case involving a claim originating in a refusal of a passenger to pay the extra one cent fare demanded by the city railroad companies came up for trial in this court yesterday forenoon. It appears that on the 14th of October, 1864, and soon after the imposition of the government tax on the railway fares, Mr. John S. Jackson, a rather venerable looking gentleman, took passage on one of the Second avenue cars. The conductor, in collecting the fare, was tendered five cents by Mr. Jackson, but demanded the additional cent, at the same time pointing to the printed and recently posted notices to the effect that the fare had been raised. The increase was refused, and an altercation ensued upon the attempt of the conductor to eject Mr. Jackson. During this altercation the latter, as he alleges, was struck upon the nose by the former, and otherwise injured. The conductor, however, contended that the injury arose from the cane which Mr. Jackson, in his resistance, contrived to get across his face. The testimony on this point was conflicting. Finally the passengers interfered, and Mr. Jackson continued his journey in the car. He brought suit to recover the sum of five thousand dollars damages. The counsel for the plaintiff contended that the exaction of the extra cent demanded by the conductor, and which led to the difficulty, was an extortion, and that the act under which it was claimed was unconstitutional. The company obtained their chartered privileges from the State, and in their incorporation agreed to carry passengers for five cents. It was therefore a contract with the public which the present company violated in demanding a larger fare. Even admitting the right of the company to exact the government tax *per capita* from their passengers one cent was more than they were entitled to—the correct amount being one and one-quarter mills, and for the payment of this fraction the government had made no currency. For the defence it was contended that the passenger had refused to pay his fare, and under the law the conductor was authorized to eject him by the exertion or use of such force as was necessary so to do. The conductor had not transcended his powers in the attempt to eject Mr. Jackson. As to the extra cent the company submitted in evidence a copy of the act of Congress.

At the close of the evidence and the addresses the Judge charged the jury to guide their verdict by the consideration of the following matters of law:—The constitutionality of the act of Congress did not at all enter into the case. For all present purposes that act was obligatory upon the community, and, therefore, binding upon the parties to the present cause. The question then was, Did the plaintiff pay his fare? If he tendered only five cents, he did not. Now when a passenger does not pay his fare the conductor is authorized by law to eject him, but in so doing to exert only the force necessary to effect that object. The attention of the plaintiff had been directed to the notices informing the public that the fare was six cents, yet he refused to accede to the demand. It was now a point to be ascertained whether the conductor had used more than the necessary force in the effort to expel the plaintiff. Upon the decision of this point depended the claims for damages. Even a weak man who assails a strong man, and in turn is beaten and injured by the latter, can recover damages; for the strong man is by law permitted to exercise only enough force for his own defence, and any excess subjects him to liability for damages. It was their duty, then, to find a verdict according to the facts; nor should the popular prejudice against railroad corporations influence them in their deliberations.

The jury, after an absence of nearly two hours, returned unable to agree, but asked the instruction of the Court on the following points, the cause of their disagreement:—1. Whether the conductor had a right to eject a passenger if he did not pay the six cents? 2. Whether it would not have been more law abiding on the part of the conductor to call a policeman to eject the passenger?

His Honor charged them again that it was a sufficient reason for ejection that the passenger refused to pay more than five cents, and that he was personally authorized so to eject without calling a policeman to do so.

The jury, without retiring and after a few minutes' deliberation in their seats, returned a verdict for the defendants.

Operations of a Young Virginian.

HE ROBS HIS FRIEND AND LOSES THE MONEY IN A GAMING ESTABLISHMENT—ARREST OF THE YOUTHFUL OFFENDER—HIS CONFESSION—DESCENT ON THE GAMBLING HOUSE.

On Wednesday Berkeley Gibson, a youth of sixteen years, a native of Richmond, Va., from which place he recently arrived, was arrested by Sergeant Ira S. Garland, of the Jefferson Market Court squad, on the charge of having stolen $920, in cash, from Mr. William W. Smith, of 97 Sixth avenue. It appears that young Gibson had been stopping with Mr. Smith, and, while walking with him in the street, he thrust his hand into Mr. Smith's pocket and abstracted the money without the knowledge of the owner. After securing the treasure Gibson shipped aboard the ship Good Hope, for California, which fact became known to Sergeant Garland, who found the accused on the ship, lying off Bedloe's Island, and on searching him two $20 gold pieces were discovered in his possession. Gibson confessed to stealing Mr. Smith's money, and investing six hundred dollars of it on the result of various games of faro, in the gaming establishment of Thomas Moore, 700 Broadway. Of course he lost his money. Moore was waited upon and requested to return the money which he had won from the young man, but he refused to do so. Justice Dodge, who held Gibson for examination, requested him to make an affidavit against Moore, which was done, and a warrant was issued. Late on Saturday night Sergeant Garland, with a number of his squad and several of the Fifteenth precinct officers, made a descent on Moore's gambling house, arresting the proprietor and two other men giving their names as George Farley and Lawrence Moore. The Sergeant and his force also seized all the gaming implements to be found on the premises, and took them with the prisoners to the station house. Yesterday Justice Dodge required Thomas Moore to give bail to await the result of an examination. Lawrence Maher, of 38 East Fourth street, became his bondsman. The other prisoners were discharged. Gibson says that he is the son of Surgeon General Gibson, late of the rebel army; that he was a sailor in the rebel navy, and was on board the pirate ship Tallahassee.

In relation to the charge of larceny preferred against him Gibson said:—I took Mr. Smith's money. It was sticking out of his pocket. He had been drinking and so had I, and I scarcely comprehended what I was doing. I was not in my proper state of mind. I went to No. 700 Broadway, up stairs, where a game of faro is kept by a man named Moore, and while there I lost $600 of the money. Some of it I had changed for gold—one hundred and twenty-five dollars—in Wall street, and spent it all. I can only say that I deeply regret being led into the folly of taking Mr. Smith's money and having gambled it away in the manner I did. It is the first time I have committed a crime, and I trust it may be the last. I will do all I can to atone for it.

Gibson had visited the Louvre, in Broadway, and many other places, where he had spent money freely for the benefit of professed friends, who, however, deserted him when his money was gone. The gambling implements were sent to the property clerk to await future disposition.

Police Intelligence.

PASSING SPURIOUS MONEY.

Officer Keenan, of the Sixteenth precinct, yesterday arrested Sarah O'Callahan, a woman residing at 305 East Seventeenth street, on the charge of having passed counterfeit bills to Richard Frey, doing business at 104 Tenth avenue. It is alleged that in payment for a dollar's worth of groceries the accused tendered a $10 bill on the Bank of Newport, this State; but the bill subsequently proved to be a counterfeit. Before its real character was discovered, however, by Mr. Frey, Sarah passed another similar counterfeit upon him, receiving her change in both cases. Another of the aforesaid spurious bills was found in the prisoner's possession. The accused says she considered the bills genuine or she would not have offered them. In default of $1,000 bail Justice Dodge committed her for trial.

BURGLARY IN BROADWAY.

Frank Long and Adam Smith, young men nineteen and twenty-two years of age, were arrested by detectives Bennett and Coyle on the charge of having broken into the store 428 Broadway by prying open a side door with a jimmy, and stealing $1,100 worth of sewing machine needles. Most of the stolen property was found in possession of the prisoners, who were locked up for examination. They claim that the needles were given them to sell, but do not state from whom they received them.

Boston Mayoralty Nomination.

BOSTON, Nov. 13, 1865.

The republicans have nominated Mayor Lincoln for re-election.

MARRIAGES AND DEATHS.

Married.

BORNSTEIN—CLARK.—On Wednesday, November 15, by the Rev. Dr. Bundi, MORRIS BORNSTEIN to ELLEN N., only daughter of Jonah N. Clark, all of this city.

FOX—HAMILTON.—On Wednesday, November 15, by the Rev. T. L. Cuyler, GEORGE FOX to MISS MARY EMMA HAMILTON, all of this city. No cards.

KIMBALL—FLEMING.—On Wednesday evening, November 15, at