THE COURTS.

SUPERIOR COURT—SPECIAL TERM.

Motion for Alimony.
Before Judge Barbour.

John Hasset vs. Margaret Hasset.—A motion for alimony was yesterday made by the respondent in this case, which is a suit at present pending and brought by the plaintiff against the respondent for divorce, on the ground of alleged adultery with various parties. The plaintiff is a clerk in the Post Office, and resides in Fourth avenue, near Forty-fifth street. His counsel, Mr. Reavy, opposed the motion on the ground that the evidence against the respondent was so strong that it was not proper for the Court to grant alimony in the case. The Court ordered $8 a week alimony to be paid for two weeks to the respondent, and that the case be heard within that period, and also $50 to be given her for counsel fee.

SUPERIOR COURT—PART I.

Action to Recover Damages for a Railroad Accident—Damages Laid at $20,000.
Before Judge Jones.

Charles Endres, an infant, by Magdalena Endres, his guardian, vs. Charles T. Platt.—On the 5th of October, 1864, the plaintiff, a boy about twelve years old, was crossing Hudson street, at its junction with Canal street, when a freight car of the Hudson River Railroad Company, drawn by horses, on its way down to the Chambers street depot from the terminus in Thirtieth street, ran over him, causing him such injuries as to permanently cripple him, portions of both his arms being severed from his body. He brought, some time since, an action to recover damages from the Railroad Company, but "was non-suited, on the ground that they having made a contract with Platt to draw their cars with horses between Thirtieth street and Chambers street, were not responsible." The present action was, therefore, brought against the defendant for causing the accident by the carelessness and negligence of his servant who was driving the horses at the time, and the damages were laid at $20,000.

The defence was the usual one in those cases—negligence on the part of the plaintiff.

The plaintiff was examined, and testified that on the day named he was crossing Hudson street at its junction with Canal street. There was a man walking by his side who, when they were crossing the railroad track, suddenly jumped forward, and at the same instant the horses and the railroad car were upon him. The man who was walking at his side prevented him from seeing the approach of the car, as he was between him and it; and it was only when the man jumped away that he saw it and then had not time to get out of the way.

The case is still on.

MARINE COURT.

Action by a Lawyer to Recover Compensation for Professional Services.
Before Judge Gross.

Hills vs The Bennehoff Petroleum Company.—This was an action by the plaintiff, who is an attorney and counsellor at law, to recover compensation for professional services rendered to the defendants. The case was tried without a jury, the defendants setting up in their answer to the complaint that they were not liable to the demand inasmuch as they had never, as they alleged, passed any formal resolution of their Board appointing the plaintiff to act for them in any professional capacity. The Judge took the papers and reserved his decision.

Photographers and Photographs.
Before Judge Hearn.

Tourt vs. Barnes.—This was an action by a photographer to recover a balance of wages. The allegation of the plaintiff was that he was to receive $15 per week, and that he received certain moneys, leaving a balance of $300. The money received on account, as the plaintiff stated, was paid to him in small sums of $3, $4, and $5, and at the end of the year the defendant drew up a receipt, which he explained to be a receipt for so much money on account. The plaintiff, being an Italian, unacquainted with the English language, and relying on the statement thus made, signed the receipt. He subsequently ascertained that the receipt was a receipt in full. The defence was that there was no agreement as to wages; that plaintiff's pay was to depend upon the profits of the establishment; that he was not a competent photographer, and that on that account the defendant, who had employed the plaintiff for taking likenesses of thieves in the police gallery, had lost that business. In the course of the case, certain photographs, not of the most delicate character, were produced to show that the skill of the plaintiff in his calling was equal to that of any other. The case was adjourned to to-day for further evidence.

COURT OF GENERAL SESSIONS.

The Lord Bond Robbery.
Before Recorder Hackett.

At the opening of the court yesterday District Attorney Hall stated that he had prepared for the trial of Wm. R. Babcock, who was then arraigned at the bar, charged with receiving a large portion of the bonds stolen from Rufus L. Lord, knowing them to have been stolen. The witnesses in the case had been given to understand some months since that the trial was postponed until Lieutenant Governor Woodford's public duties would permit him to try the case, he being one of the counsel for the accused. He (Mr. Hall) had been informed that the gentleman who gave him that information was not authorized to make that statement; but he desired to assure the counsel and the witnesses that this case must be tried at the earliest practicable moment.

Counsel made an application for a commission to take the testimony of witnesses in Providence, R. I., and in Florida, and agreed to arrange with the District Attorney for the trial of the indictment as soon as the evidence can be procured.

The Grand Jury brought in a batch of indictments, upon which the prisoners were arraigned and pleaded not guilty.

James Mitchell pleaded guilty to burglary in the third degree, he having, on the 24th of March, entered the office of Harvey Petty, No. 71 Cortlandt street, and stolen $20 in money. He was sent to the State Prison for four years.

Thomas Clark, indicted for forgery in the third degree, pleaded guilty to forging an order for a single harness and presenting it to the salesman of Wood Gibson.

John Kiernan, who was charged with forging an order for half a dozen of brushes, purporting to have been signed by the artist of the Broadway theatre, pleaded guilty to forgery in the fourth degree.

Henry Johnson, charged with burglariously entering the lager beer saloon of Matthew Winter, No. 153 avenue A, on the night of the 2d inst., and stealing about $5 in currency, pleaded guilty to burglary in the third degree.

These prisoners were remanded for sentence.

Theophili Kick, who was convicted of receiving stolen goods, was brought up for sentence. The Recorder stated that at the time this party was convicted he intended to make an example of him, so as to show the community that "receivers," when convicted, would be severely punished. He had numerous applications for the commutation of the punishment, and being convinced that Kick was not a bad man, he suspended judgment.

COURT CALENDAR THIS DAY.

SUPREME COURT.—Part 1—Nos. 951, 245, 247, 1171, 299, 1271, 1137, 1215, 441, 551, 1267, 1025, 493, 1138, 420, 739, 223.
Part 2—Nos. 132, 1654, 1386, 1052, 1162, 588, 574.

SUPERIOR COURT.—Part 1—Nos. 130, 1590, 3016, 586, 1202, 1702, 1—Unchanged. Part 2—Adjourned for the term. 854.

PROBABLY FATAL.

Row Among Furniture Dealers—Coroner Called.

On Monday last a difficulty occurred in the office of Messrs. Degraaf & Taylor, furniture dealers, No. 87 Bowery, between Henry P. Degraaf, one of the firm, and William Sayles, a clerk, on one side, and Charles Becker, of 117 Hester street, on the other, during which the latter was so severely injured that it was deemed necessary to call Coroner Gover to take his ante mortem statement. From Becker's evidence before the coroner it appears that he called upon Messrs. Degraaf & Taylor, from whom he demanded the sum of $300, which he alleged Degraaf had promised to pay him as one of the conditions for having vacated on the 1st instant certain premises belonging to him which he had occupied up to that time. Mr. Degraaf refused to pay the money and a difficulty ensued, during which the latter, as alleged, shoved Becker out of the office, when Sayles struck him on the back of the neck with his fist, knocking him head foremost against one of the iron pillars of the building, inflicting a scalp wound of nearly five inches in length, from the effects of which there are fears that erysipelas may ensue.

On Becker's statement the Coroner issued his warrant and Degraaf and Sayles were taken in charge and required to give bail to await the result of Becker's injuries, the jury having rendered a verdict that he received his injuries at their hands. The defendants deny any intention of seriously injuring Mr. Becker, and insist that they only used such force as was necessary to eject and keep him from entering the office again. On furnishing the requisite bonds Degraaf and Sayles were discharged. Becker is under the doctor's care at his residence in Hester street.

FIRE AT PETROLEUM CENTRE.

The Union Hotel, Theatre and Nearly All the Business Portion of the Town Destroyed.

PETROLEUM CENTRE, April 24, 1867.

Almost the entire business portion of this town was destroyed by fire last evening. The fire originated in the Union Hotel, and is supposed to have been the work of an incendiary. Strenuous efforts were made by the citizens to prevent its spreading towards Boyd's farm, which is thickly covered with oil tanks. The fire is now subdued, after laying waste a large tract of land. Many persons have been arrested on suspicion of having set the hotel on fire.

CLEVELAND, April 24, 1867.

The fire at Petroleum Centre last night destroyed the Union Hotel, the theatre, Kompinsky's dry goods store and Schwartz's dry goods store.

The loss is estimated at $75,000

The supposed incendiaries have been arrested.

MUNICIPAL AFFAIRS.

BOARD OF ALDERMEN.

Special Meeting—Appropriate Action on the Death of Ex-Alderman Ryers—Repealing the Ordinances in Relation to Licenses.

The Board of Aldermen had a special meeting at half-past seven o'clock last evening, the President, Joseph Shannon, Esq., in the chair.

Alderman Loew offered the following:

Whereas, The State Legislature, by a clause in the county tax levy, inserted at the very close of the session, with great secrecy and without any notice whatever, provided that hereafter the Board of Metropolitan Police shall exercise all the powers and perform all the duties now conferred by law and ordinances upon the Mayor and Common Council conjointly, and all other boards and officers, except the Board of Health, in respect to theatres and places of amusement, keepers of boarding houses for emigrant passengers, junk shop keepers and junk boatmen, pawnbrokers, venders, hawkers and peddlers, dealers in second hand articles, keepers of intelligence offices, auctioneers, hackney coaches and carriages, their owners and drivers, carts and cartmen, cabs and cabmen, public porters, omnibuses and their drivers, cars and their drivers, to the same extent and with like effect as though the Board of Police was named in such laws and ordinances in the place and stead of the Mayor and Common Council and other boards and officers of said city of New York; and whereas the powers so transferred have since the organization of the city government been well and faithfully executed by the Mayor and other municipal authorities, and their transfer to the police authorities in the secret manner above mentioned, is a fraud upon the city, and an unwarranted, uncalled for and unnecessary interference with the legitimate and proper duties of the Mayor and other municipal authorities of said city; and whereas the ordinances heretofore adopted in relation to the matter aforesaid, affecting a large and industrious class of citizens in the various walks of life, were adopted with a view to their enforcement by the Mayor and other local authorities only, to whom said duties properly belong, aided as they always should be by the police; and whereas the Common Council are unwilling that the execution of such ordinances should be entrusted wholly to a partisan Police Commission, irresponsible to the people and acknowledging no responsibility to the Mayor and Common Council, now, therefore, with a view of asserting and defending the rights of the municipal authorities and of protecting the people from an unjust assumption of powers by partisan commissioners; with a view, also, of defeating, if possible, the operation of the clause in the Tax Levy above referred to, and with the avowed purpose of enacting such new ordinances as shall be just and proper, be it

Resolved, That all ordinances heretofore adopted by the Common Council relating to theatres and places of public amusement, keepers of boarding houses for emigrant passengers, junk shop keepers and junk boatmen, pawnbrokers, venders, hawkers and peddlers, dealers in second hand articles, keepers of intelligence offices, auctioneers, hackney coaches and carriages and their owners and drivers, carts and cartmen, cabs and cabmen, public porters, omnibuses and their drivers, cars and their drivers, and every other subject so transferred to said Board of Metropolitan Police, be and the same are hereby annulled and repealed.

—Which was adopted and sent to the Board of Councilmen for concurrence.

Alderman ELY offered a preamble and resolutions relative to the death of ex-Alderman Lewis R. Ryers, which were adopted, ordered to be engrossed and transmitted to the family of the deceased.

The Board then adjourned.

BOARD OF COUNCILMEN.

The Board met by special call at half-past seven o'clock last evening, President Brinkman in the chair.

The Board concurred in the preamble and resolutions adopted by the aldermen taking appropriate notice of the death of ex-Alderman Lewis R. Ryers, and also in the preamble and resolutions offered by Alderman Loew in relation to repealing the several ordinances applying to licensing theatres and other places of amusement, &c.

Mr. GILMORE said the resolutions stated that the Board of Police was a partisan commission, and it had been asserted that it was a republican machine. This he denied, and said that there were more democrats on the police than republicans.

Mr. HENRY MURRAY said the Board of Police was a partisan body.

Upon the vote being taken for concurrence with the Aldermen, Messrs. Stephen Roberts, Gilmore and Thos. Murray voted in the negative. These gentlemen were the only republicans who voted against the concurrence

The Board then adjourned.

CITY INTELLIGENCE.

AUCTION SALE OF COAL.—The regular monthly sale of scranton coal took place yesterday, when 80,000 tons were disposed of at very fair prices. The lump and steamer coal were in especial demand and were rapidly sold in large lots, one manufacturing company buying 11,000 tons of lump. Grate and other descriptions were not in very great demand and were knocked off somewhat slowly. The following are the prices obtained yesterday, with those of the previous month's sale:—

	March.	April.
12,000 tons lump	$4 12½ a $4 30	$4 35 a $4 37½
12,000 tons steamer	5 00 a 5 20	5 10 a 5 15
19,000 tons grate	5 05 a 5 25	5 05 a 5 20
9,000 tons egg	4 75 a 4 87½	4 75 a 5 05
20,000 tons stove	5 00 a 5 25	5 00 a 5 20
10,000 tons chesnut	4 05 a 4 12½	4 12½ a 4 20

82,000.

THE LATE SALE OF CORPORATION REAL ESTATE.—The Collector of the city revenue has received $606,200 from purchasers of real estate lately sold by the Corporation.

FATAL RAILROAD ACCIDENT.—On the 28th ult. Lewis A. Betts, a lad sixteen years of age, whose parents reside at No. 123 Norfolk street, while riding up town on car No. 100 of the Third avenue line, jumped from the front platform, and coming in violent contact with a passing vehicle was fatally injured. He was removed to Bellevue Hospital, where death ensued yesterday. Coroner Schirmer held an inquest on the body and a verdict of accidental death was returned.

BURGLARY IN THE FIFTH WARD.—At a late hour last Tuesday night the store of Messrs. Guiterman Brothers, importers, No. 63 Leonard street, was entered by burglars, who succeeded in making away with a quantity of shawls valued at $900. They also found an entrance into the upper part of the building occupied by Messrs. Smith & Beare, where they blew open the safe. Fortunately for the firm there were but $100 in bills in the safe at the time, but the thieves were not so disgusted as to leave this small amount behind. Where the police were during the time the burglars were in the building, doing pretty much as they pleased, has not as yet been ascertained.

DEATH FROM SUFFOCATION.—Coroner Schirmer yesterday held an inquest at No. 277 First avenue on the body of an infant thirty-five days old, named Mark Keenan, who on Tuesday night was suffocated by being overlaid by his mother, Ann Keenan. A verdict of accidental death was rendered by the jury.

RUN AWAY ACCIDENT.—George Allenberger, a German laborer, residing at No. 320 Ninth street, was severely injured about the head by being run over yesterday by a pair of runaway horses belonging to the East Broadway line of cars. He was soon afterwards taken by one of the Eleventh precinct police to Bellevue Hospital.

FIRE IN DUTCH STREET.—At half-past one o'clock this morning a fire occurred on the third floor of No. 13 Dutch street, occupied by Mr. Borrowman, a locksmith, recently moved in, caused by a furnace. The Insurance Patrol extinguished the fire with a patent fire extinguisher without water. But trifling damage done by the fire.

ELOPEMENT AND ROBBERY.

A case of the most heartless nature was yesterday brought before Justice Ledwith, at the Jefferson Market Police Court. Thodosardo C. Fargana, an intelligent looking man, represented as belonging to one of the first families of Poland, and residing at 231 East Twenty-fourth street, preferred charges against Ignatz Stecki, who is also a Pole, for having stolen from him a quantity of gold coin, jewelry, clothing and other articles valued at about $600. According to the facts of the case it is ascertained that the complainant, who is an architect by profession, was acquainted with the defendant, and out of compassion, took defendant into his house, and treated him as a member of his family. In return for his kindness Stecki conceived the idea of robbing his benefactor and dishonoring his wife. The wife of complainant states that she frequently received anonymous letters written with the design of falsifying her husband, which she believes were written by the accused. The prisoner continued up to the 24 of February in the house of complainant, when, under the promise that Stecki would bring her to her mother in band Mrs. Fargana was induced to abandon her husband and went with the prisoner. They then embarked on board a ship for New Orleans, as she afterwards learned, and that after dishonorable proposals to her during the passage the prisoner made they arrived in New Orleans she rejected. When her back, which he refused, and even struck him to take work, and the money which she earned he locked her to She wrote three letters to her husband, and gave them to the accused to post, which he never did; and she further states that he took her watch, rings, and other valuables from her and applied them to his own use. Eventually she succeeded in inducing him to bring her to New York on a promise of reward, and actually gave him an order on her family in Europe for $1,200. They arrived in this city on Monday last and took apartments at the Hudson Exchange, Tenth avenue. After a short stay she went out, called upon her husband and begged his forgiveness. The next day the husband, in company with detective Irwin, of the Ninth precinct, visited the hotel and arrested Stecki. They found in his possession railroad checks for two trunks and a valise, together with $225 in gold, and $40 in silver. The prisoner on being accused of the charges said that madam wanted him to marry her, induced him to elope, and that both of them jointly took the property. He was committed for trial.

THE FLOODS AND LEVEES IN LOUISIANA.

The Levee Fund Exhausted and the Waters Unabated.

NEW ORLEANS, April 24, 1867.

The levee fund is exhausted, and work must be discontinued unless the planters are successful in raising funds among the bankers and capitalists of New Orleans. There is no abatement of the waters.

CONVICTION OF AN INCENDIARY.

HARRISBURG, PA., April 24, 1867.

George Weaver, charged with incendiarism, was brought before the Court this morning and found guilty. It is alleged he has been the principal in a great number of arson cases, running over several years. As he was being taken from the prison to the court he attempted to escape, but was recaptured.

THE GARDINER WILL CASE.

The Validity of a Will Granting the Income of $180,000 of Real Estate to the Widow of the Late President John Tyler—Arguments, Testimony, &c.

At the Supreme Court, in Richmond county, Staten Island, yesterday morning, before Hon. John A. Lott, Presiding Judge, and Associate Justices H. B. Metcalf, Thos. Elliott and Blake Hillier, the Gardiner will case—David L. Gardiner and another vs. Julia G. Tyler et al.—was commenced before the jury empannelled for the trial. The will, the validity of which is at issue, yields property in the county valued at $180,000 to the charge of Julia G. Tyler, widow of President John Tyler, late of Virginia, in view of the losses she sustained there during the war, she being a daughter of the late Juliana Gardiner, testatrix. The following are the facts as so far elicited:—

The main question at issue is as to the validity of the will of Mrs. Gardiner, the mother of David L. Gardner, and of Mrs. Tyler, it being alleged by Gardner that the will was procured from Mrs. Gardner by undue influence exercised by Mrs. Tyler. According to the will the bulk of the property is given to Mrs. Gardner and Mrs. Tyler, but the use of it is given to Mr. Tyler during her life, subject, however, to that use being discontinued in case she is indemnified to the extent of injury done to her own property in Virginia.

The case was opened in favor of the will by Judge Pierrepont, who claimed that the will was made by Mrs. Gardiner on the 4th of October, 1864; that soon after the making of the will she died; that she had been suffering at the time with hernia and bronchitis; that by the will she left to her son David, her daughter, Mrs. Tyler, and to her grandson, Harry Beekman, the estate, they being the only heirs at law. That she left the income of the estate to Mrs. Tyler, as she stated, in consequence of her having lost her property by the war in Virginia. After her death it was to go equally to her son David and to her daughter. That her son had married David R. Thompson's daughter and was living on a farm, and was not in need; that the treatment of this brother David to his sister after her misfortunes were such as to finally make the mother direct him to leave the house to seek a place elsewhere; that the house situated at Castleton was crowded, and that it was impossible for them all to be accommodated, as Mrs. Tyler was there with seven children, and the house was small; that the conduct of David Gardiner towards Mrs. Tyler's children after they came there was that of excessive harshness; and that the mother believed that if his sister Julia was left to his care in any way he would not provide for her, seeming to manifest hostility toward her children and herself after her return in her misfortunes from the South. That the will was made when she was in her full faculties, clear perception, was duly attested, and that it is valid. That at the Supreme Court four judges affirmed it, the Surrogate having refused to admit it. That in the Court of Appeals Judge Peckham gave a decision in favor of it, and Judge Porter gave a decision against it, and a majority of the court decided with Judge Peckham, which has caused the necessity of this trial before a jury on issues of fact. The main issue is the question of undue influence.

Defendants maintain that there is not sufficient proof that the will was executed in a manner required by law; that it was procured through undue influence exercised by Mrs. Tyler over her mother; that her mother was in a very feeble and emaciated state, and easily subjected to control; that the will on its face shows the contrivance of Mrs. Tyler, and the arrangements to vest in herself the greater part of the property, to the exclusion of her brother, David, and also of Henry Beekman, an infant son of her sister, who is not represented on this trial by counsel, and over whom, through the will made by her for her mother, she has exercised absolute control.

TESTIMONY OF DR. JAMES CLARKE.

Dr. James Clarke, called as a witness for the will, being sworn said:—I am a physician in Castleton; have practised there twelve years; was acquainted with Julia Gardiner; she died Tuesday, October 4, 1864; I had known her fifteen years; during that time I saw her occasionally; that is my signature, and that is Mrs. Gardiner's and Mr. Dayton's signatures on the will; Mr. Dayton, Mr. Lott C. Clarke and myself were present when that will was signed; I witnessed it by request of Mrs. Gardiner; the attestation clause was read in presence of the witnesses; I saw Mr. Dayton sign that will; at this time Mrs. Gardiner's mind was perfectly clear; she was suffering from bronchitis, which is an inflammation of the lining membrane of the bronchial tubes, accompanied with a cough; in all recoverable cases the mind is not affected; when undue circulation of blood is induced an the brain the mind is affected; nothing of that kind affected Mrs. Gardiner; she was also afflicted with hernia; this is only an ordinary rupture; I saw her first in her last illness on Sunday, the 2d of October, and found her very weak; I saw her next on Monday, when she was rather better; her mind on both occasions was entirely clear; I gave her no medicines; I saw her the third time on Tuesday; I was not sent for; I remained there at the time the will was made; it was read over in my presence; I was asked by Mr. Clark if Mrs. Gardiner was competent to make a will, and I said yes, and the will was then read to me; on my last visit Mrs. Gardiner was very weak, but I did not expect her to die so soon; she died between five and six o'clock on the day she executed the will, which was on Wednesday, the 4th; there is always coughing in bronchitis, and vomiting sometimes takes place from nervous sympathy.

Cross-examination—Mrs. Gardiner was about sixty when she died; I was not informed of this, I only judge; I saw her the day before she made the will, then on Sunday, and then, I think, in the fall of 1863; I think it was before her return from Catskill; I knew she had hernia then; I treated her; before that I occasionally attended her; she seemed disposed to keep the fact of her having hernia concealed; the concealment of this does not affect the mind; rupture, unless strangulated, does not enfeeble the system, that is where the aperture is constricted; when I ascertained that she was in that strangulated condition I relieved her; on Sunday, the 2d of October, her coachman came for me; I saw her in the evening; she was in bed; she was emaciated and worn; her voice was about natural, but she coughed a great deal, and most of her answers were in monosyllables; I asked her about her physical health; on Monday I visited her, and she felt desirous to know what I prescribed for her, and I hesitated, and then told her it was soda, ipecacuanha and belladonna, and when I said belladonna she remarked, "I know now why you didn't want to tell me;" on Tuesday I found her with a rapid pulse, and almost continual vomiting, and believed her to be in her last illness; I do not recollect any conversation at that time between the mother and daughter; I do not know who called in Mr. Dayton; I had but little talk with her on religious matters; she has spoken to me on spiritualism, and expressed an approval of that idea; Mr. Clarke came in the room and asked me if I thought Mrs. Gardiner was in a condition to execute the will, and I said "Yes," and he said he would read the will; the will was then read, Mrs. Gardiner assenting as each part was read and it was signed; she assented by saying yes; I cannot say that she said anything else than yes or nodded in answer to the several portions of the will; in signing the will it was put on a book by Mr. Clarke, and Mrs. Gardiner rested on her left elbow and signed the will in a good hand; I left there at two o'clock, and returned between five and six o'clock, after she was deceased; I have seen Henry Beekman there at the house frequently; I do not know his age; David Gardiner was not sent for at his mother's illness.

Re-direct—When I was sent for the will was not mentioned; I always considered Mrs. Gardner of good mind; an educated person; I had conversations with her on spiritualism two or three years before her death; it did not at the time make any impression on my mind; she said, I think, that spiritualism was supported by the Bible; I did not consider her out of her mind.

Re-cross-examination—I think Mrs. Tyler was the first to speak to me about the will; I think she supported Mrs. Gardiner in signing the will, and steadied her on the left shoulder while she was writing.

Re-direct—I remember that Mrs. Gardiner helped to smooth the paper in one hand before signing it herself.

TESTIMONY OF RALPH DAYTON.

Ralph Dayton, being called sworn as a witness for the will, said:—I resided in the family of Mrs. Gardiner at the time of her death; I had been an inmate of her house from the preceding December; I was a relative of the family; I was a cousin of Mr. Gardiner's; I was engaged as a tutor in the family; I have been in that profession fifteen years; not all the time since I left college, which was in 1846—Yale College; since then I have been in other employments; I was employed there by Mrs. Gardiner; I had been their teacher at Catskill during the summer of 1863; Mrs. Tyler was not there; I had been acquainted with Mrs. Gardiner many years; my residence was near theirs; that is my signature and Mrs. Gardiner's, and Mr. Clarke's signatures on the will; when she signed it Dr. Clarke and lawyer Clarke and Mrs. Tyler were present; the servant girl came down to me and said Mrs. Gardiner wanted me to come up and witness the will! I went in and spoke to Mrs. Gardiner, and the lawyer asked her if that was her last will and testament, and she said "yes," and at the request of Mrs. Gardiner I witnessed her signature; that clause which precedes my signature was read aloud; she heard it; before I was summoned I knew a will was to be executed; I knew I was to witness it from Mrs. Tyler; at the time she executed the will she was of sound mind; her mind was always vigorous and right; she was a cultivated, educated woman; she was rather decided in her resolutions.

Cross examined—I do not know her age; I heard her spoken in New York that she had gone to lectures on markable; and she said she thought they were re-; I do not say she heard Mr. Fox or received word from her deceased husband; I saw her after the decease of Mr. Gardiner, in 1844, at different times; on the Island I saw her about the house in three years; I began to reside in 1846; while she lived in the middle of December; she was sick time but was she was not confined to her bed all the vomiting; Henry Beekman troubled with coughing and the house every day; I believe he slept at her house; I was at the Monday preceding the execution of the will spoken of on Tyler told me of it and gave me a package of law papers, lawyer Clarke; I mentioned about a will; I delivered them; she made a remark about the will; when Mrs. Tyler told me to come up and witness the will I don't recollect what she said; it was on Tuesday; I said I would, and waited until I was sent for; I went for Lott C. Clarke and Dr. Clarke; I was sent by Mrs. Tyler; I told lawyer Clarke to come and bring the papers; I did not go again; I went towards the gate to go, but did not go because Mr. Clarke was coming; Mrs. Gardiner was attempted to be assisted by Mrs. Tyler in signing the will, but Mrs. Gardiner signed it without assistance; Mrs. Tyler mentioned that Mr. Pratt, her clergyman, was below; Mrs. Gardiner said she did not wish to see him.

Re-direct:—Before witnessing the will I saw Mrs. Gardiner out of her room ten days; this talk about Spiritualism occurred when she was in New York, two years before her death; I was making a call on her; it did not make much impression on my mind; it was in regard to Cora Hatch's lectures; she could not account for them; I did not think her out of her mind; Mrs. Tyler stood at the foot of the bed and extended her hand to assist her mother in signing the will; she got up unassisted; Mrs. Gardiner spread the paper on a book to get ready for writing; Mrs. Tyler got her the spectacles and took them to Mrs. Gardiner, and she put them on herself; Mr. Pratt was the clergyman of Mrs. Gardiner; she attended that church; the will was executed while I was there; a message was brought up that Mr. Pratt was there, and Mrs. Tyler asked if she wanted to see him and she said no; the lawyer and physician are both of the same name; I do not know that they are related.

Re-cross examined—The colored girl brought the message from Mr. Pratt; I did not notice her in the room; I have a distinct recollection that she was there; the same one who brought the message up took it back; I did not see him at all.

The counsel for Mrs. Tyler here rested their case so far as relates to the proof of the execution of the will.

The case for contestants of the will was opened by James T. Brady, Esq., in which the same facts as given above were enlarged upon. The husband of Mrs. Gardiner, he stated, was killed on board the Princeton on February 28, 1844, by the bursting of a large gun, and his property at that time fell into the possession of his wife. At the time the will was submitted to Judge Metcalf for probate counsel remarked that the testimony of David L. Gardiner tended against the validity of the will, and to prove the undue influence exercised by Mrs. Tyler over her mother. Mrs. Tyler did not deign to take the witness stand and contradict such testimony; he called the attention of the jury to the fact that David L. Gardiner had lived with his mother from 1851, acting as an adviser, agent and manager of her property up to the time that his sister, Mrs. Tyler, made her appearance as a refugee from the South. If ex-President Tyler had so won upon the affections of his wife as to enlist all her sympathies in favor of the rebellion and against the government which her brother was defending at the North, it was no reason when she was compelled to take refuge at the North that she should attempt on her arrival here to take full possession of the house where her brother had lived for years, have the secesh flag on the dinner table, induce her mother to expel the son from the house, and finally to direct the will so as to not only exclude him from any share of his mother's property but also of his brother Alexander's, who died in 1851. He was frequently called by her a black buzzard because of his Northern proclivities. The suit of plaintiff purposes to secure $60,000 of the $180,000 of property to David L. Gardiner.

Mr. Brady then offered the deposition of William N. Duyckman before the Surrogate as evidence in the case. This stated that witness made a draft of the will and submitted it to Mrs. Gardiner, and then made such alterations as were suggested by her. The execution of the will was not mentioned.

The notice to produce the original will of 1858 was admitted as evidence. Counsel for defence stated that no such paper had been in their possession.

A copy of the same was then read, to show that the wishes of deceased at that time were materially different from what is contained in the one under litigation.

TESTIMONY OF MRS. FRANCES HOYT.

Mrs. Frances Hoyt, being called and sworn as a witness for contestants, said: I reside on Staten Island; my husband's name is Wm. S. Hoyt; I knew deceased ever since her removal to the island in 1852; I visited her often; we exchanged visits constantly; I knew David; I visited the house very little after 1860; I know of the execution of a will in 1858 on the ferry boat going from Port Richmond; she asked myself and Captain Watson to come into the Captain's office and witness the execution of the will; she said she was well satisfied with having such good witnesses; I said I hope you have given the young boy enough, and she said "well I have, but I have given David the largest share because he has had charge of me and my business."

TESTIMONY OF REV. CHARLES H. ROCKWELL.

Rev. Charles H. Rockwell, being called and sworn for contestants, said:—I am a clergyman of the Reformed Dutch Church, residing for the last two months in New York city, and for six years before in Castleton; I knew Juliana Gardiner; she spent ten or twelve weeks in my family a year before she died; my wife is her own cousin; the children were all with her, and Mr. Dayton was there as their tutor; when she first came she was in comfortable health, and after a few weeks she became very sick, and supposing she would die, I sent for David, and made conditions for the removal of her body; the doctor was sent for, and she finally permitted an examination, and was finally relieved; the coming of the son saved her life by the information he gave; when she left she was in a little better health only; she was a strong believer in spiritualism; there was a good deal of argument on this subject between us; she said the mediums told her a good many things that they could not have learned except from intercourse with the other world; that she had received a letter from her deceased son, Alexander, so like his handwriting that she believed it must have come from the spiritual world; she said she received comfort from these revelations and had confidence in them; I did not see her after she left Catskill; these conversations occurred several times and were protracted; she expressed a desire not to be altered in this opinion.

Cross-examination—She argued strongly and clearly; she was an Episcopalian, a religious woman, but spiritualism seemed to supersede her other convictions; I have found this in common with others, especially mothers anxious about their sons or friends; I do not believe this is an indication of weakness of intellect, and if it is, it is a pretty bright sort of monomania or direction of mind.

TESTIMONY OF DAVID L. GARDINER.

David L. Gardiner, being called and sworn for contestants, said:—I am plaintiff in this case; my father was killed in 1844; at that time the survivors in our family were two sisters and a brother; I am the oldest; then came Alexander, Julia and the others; at the time of the death of my father we lived in New York city, 43 Lafayette place; all the family resided together; up to that time all the members of the family were perfectly kind to each other; Alexander died in 1851; my sister Julia married President Tyler in June, 1844, and he died January 17, 1862; Alexander never married; I think he did not make a will; when he died I was in California, engaged in trading and mining in Sacramento and San Diego; I had been educated for the bar, but never practiced; I arrived in New York in June, 1851; then my sister Julia resided in Virginia with Mr. Tyler, at Sherwood Forest, on the James River; I had visited there frequently; my last visit there was in 1860; this property consisted of a plantation, thirty or forty miles from Richmond; I have been told by Mr. Tyler, that the plantation consisted of one thousand five hundred acres, and raised corn, wheat and oats; the house was a good one; two stories and an attic, had a hall in the centre, rooms on each side, extensions, also, and kitchen, &c., on the ground floor; I think Mr. Tyler owned property in Kentucky and other lands in Virginia; I have spoken to Mrs. Tyler about it; my father, at the time of his decease, left some property that I sold for $5,000, and I deposited the money in bank to my account; he also had property on Long Island and in New York; my mother owned property in Chatham and Oliver streets and Harrison and Greenwich streets; the combined value of the property was about $160,000 or $170,000; the value of the property at the date of the last will was probably $190,000; when I came back from California in 1851 I boarded in New York until I bought the homestead in 1852; I negotiated the purchase; she went there to live in the same spring; I commenced immediately to manage her affairs, and continued so to do until in 1864; I received a letter February 10, 1864 [being a letter from Julia Gardiner requesting witness to seek some other place]; at that time Dayton Beekman, three servants and Mrs. Gardiner lived at the house; there was also a colored boy there; before this she had said nothing on this subject or about the crowded state of the family; while I was there I had the general supervision of affairs, household and property, in the city of New York and here; I sometimes collected her rents; the real estate on Chatham square was taken by the corporation; there were mortgages on some of the property; I paid the interest on these; I purchased my farm at Northfield in 1853; my mother never made advances of money to me to pay for it; she never made any claims on me; I never had any dispute with her on matters of money; I owned, also, a vacant lot on Fourteenth street; not one cent of my money came from my mother in any way; I furnished most of the products of my farm into the house; my mother paid the expenses at the house; I consider the estate was indebted to me for services, and there was no final settlement between me and my mother.

At six o'clock P. M. the court adjourned, to meet again at half-past eight o'clock this morning.

WALL STREET ROBBERY.

Arrest of the Delinquents.

In December last, as the readers of the HERALD will remember, a heavy robbery was committed in the banking house of John Munroe & Co., No. 8 Wall street. On the 12th of that month Joseph Packer, a youth aged about seventeen years, who had been in the habit of making deposits and collections for the firm, was entrusted with gold certificates to the amount of $10,000, which he was instructed to place in charge of the bank in which the house usually kept an account. Packer, having left the premises himself for a few minutes, returned with the bank book, which bore what purported to be an acknowledgment of the deposit signed by the receiving teller of the institution. On the following day, however, he failed to make his appearance, and his employers, thinking that he was indisposed, forbore making inquiries as to the cause of his absence. At length, two days later, suspecting that something was amiss, an investigation was commenced, when it was discovered that the gold certificates had not been deposited in the bank; that, on the contrary, their full value in current coin had been realized, and that the acknowledgment of deposit, supposed to be signed by the teller, was a forgery. Search was promptly made for the fugitive, but without avail, and some weeks elapsed before the police ascertained that Packer, in company with another youth named Isaac D. Clarke, had been seen in Montreal previous to being wholly lost sight of. A few days since, after all traces of the two had been lost, Messrs. Munroe & Co. received a telegram from Baltimore, signed by Packer and Clarke, who thereby requested that they should be sent for and brought to New York, there to be placed at the disposal of the magistrate. This despatch was at once acted upon, and yesterday evening officer Pontierre, of the Baltimore police, appeared at the Central office and presented the culprits to Inspector Walling. Both were shabbily attired and penniless, $6,000 of the $10,000 having been expended during their travels, and $6,000, by their own showing, having been taken from them by parties unknown. Packer briefly recapes his companion, was in excellent spirits, York and proceeded their adventures. They left New where they embarked for Bremen and thence to Portland, and France, and finally, having spent their money, returned to the United States. They visited England during the first days of March, and then came in New York more, where, finding themselves without means, went to Baltimore, they obtained employment on a farm in the vicinity. Work at length proving distasteful to them they telegraphed to the firm, and, having been brought back passed last night in one of the cells at the police headquarters. The prisoners will be arraigned before the magistrate this morning.

ARRIVAL OF THE CUBA AT HALIFAX.

HALIFAX, N. S., April 24, 1867.

The Cunard steamship Cuba arrived here at three P. M. yesterday, and sailed at eight P. M. for Boston. She has forty passengers for Halifax and fifty for Boston.

POLICE INTELLIGENCE.

ARREST OF A REPUTED SWINDLER.—A very respectably dressed and somewhat foppish appearing Englishman, rejoicing in the name of Mar Quail, was brought before Justice Hogan at the Tombs yesterday afternoon, he having been arrested by Mr. Matthews of the firm of Messrs. R. A. Matthews & Co., doing business at No. 36 New street, and given in charge of officer Kearns of the First precinct. From the statement of Mr. Matthews it appears that on the 26th of February last Quail called at his store and represented that he was doing business at No. 53 Beaver street; that he was a purchaser of cotton pickings and rejected cotton; that his means were abundant, &c. Believing the representations of Quail to be true Mr. Matthews sold him cotton to the amount of $105, which was to be paid for on that day; but the former, after obtaining possession of the property, disappeared, and was seen no more by his victim till yesterday. On making inquiries at 53 Beaver street Mr. Matthews learned that no such man as Quail did business there or was ever known to the owner of the building. Previous to the above transaction Quail called called upon Nicholas Collins, of the firm of J. & N. Collins, No. 37 Bridge street, and represented that he had just purchased two bales of cotton, worth $283 from Messrs. Spofford & Tileston, and wanted an advance of $250 on it. At the same time Quail exh