CONSTITUTIONAL CONVENTION.

Adjournment Until the Second Tuesday in November Next.

ALBANY, N. Y., Sept. 24, 1867.

The State Constitutional Convention met this morning at nine o'clock. Several petitions were presented and referred.

Mr. CURTIS, (rep.) of Richmond, called up his resolution providing for an adjournment from to-day until the second Tuesday in November. He said it was clear that the work of the Convention could not be finished in time to submit the constitution at the ensuing election. He therefore advocated the propriety of adjourning over. We were about entering upon an important election, and he did not disguise the intense interest he felt in this election. He believed it was to determine whether the fruits of the war shall be preserved, and he desired to give his energies to the struggle. He proposed to adjourn to the second Tuesday in November for reasons which will commend themselves to every member. If we adjourned until spring it would carry the election into the Presidential canvass. He desired that the issue then presented should be clear and distinct, and that the people should not be required to consider any other questions. For these reasons he believed the Convention should now adjourn to the second Tuesday in November.

Mr. WEED, (dem.) of Clinton, moved to amend to adjourn to the second Tuesday in May next, or to such other day as the Legislature may provide. He agreed with Mr. Curtis that this election was one of great importance, and as the gentleman had promised to give his best energies to the success of his side, so he (Mr. Weed) would give his best energies to the success of his side of the question. The time proposed by the gentleman (Mr. Curtis) was one of the busiest seasons of the year, and the same difficulty would be experienced in getting a quorum then than is experienced now. There was no reason for meeting in November, unless it was proposed to submit the constitution at a special election. That would be expensive and he was opposed to it. He would much prefer to perfect and submit at the next election an article on suffrage, on cities, to secure economical and honest management of the canals, and on the judiciary, and submit them separately. But if it was determined to adjourn, he would adjourn over until after the meeting of the next Legislature, so that they should provide for our session by an enabling act.

Mr. KERNAN, (dem.) of Oneida, moved to amend that this Convention will perfect an article as to the Court of Appeals, and provide that the same and the article as to suffrage be submitted to be voted upon separately at the coming election, and then adjourn without day. He said one of the principal objects of the calling of this Convention was to relieve the Court of Appeals of the pressure of business upon it. Many had also desired that the Convention should meet in order to extend the suffrage beyond the present limits. He believed an article on the Court of Appeals could be perfected in a very short time, and his amendment provided for the submission of these two most important questions at the November election.

Mr. GREELEY, (rep.) of Westchester, was opposed to all piecemeal submission, to all submissions of bits of a constitution. He was therefore utterly opposed to the proposition of the gentleman from Oneida (Mr. Kernan). As to the proposition of the gentleman from Clinton (Mr. Weed), he was of the opinion that our work should not be postponed until spring. That would throw us into the midst of the Presidential canvass, and the time would not be suitable for the consideration of constitutional amendments. Let us meet in November and finish up the work and submit it at the time of holding the spring elections. Fault had been found with him that so much time had been taken up in consideration of the report on suffrage. It was said that he had rushed the report through the committee before it was properly digested there, and for that reason it took up the time of the Convention unnecessarily. But he would submit the question of suffrage as reported, and the article as amended and adopted by this Convention, to any fair minded publicists, without the least fear but they would declare the article as reported by the committee as the best and most desirable. He was in favor of adjourning to November.

Mr. TILDEN, (dem.) of New York, said the success of this Convention depended on the action of the people. The Convention had met by the authority of the people, and was responsible to them. We were acting under an act of the Legislature and under the sanction of the people. If this Convention should adjourn, as proposed by the gentleman from Richmond (Mr. Curtis), the Convention would fail. It would expire for want of further authority to act. Nothing could be done without further Legislative action. To him it appeared important that this Convention should adopt some plan for the relief of the Court of Appeals. This could be done in the course of a few days, and it could be submitted at the coming election. This would be the most practicable thing that could be done, and it was needed and expected at our hands. Let us follow out the suggestion of the gentleman from Oneida (Mr. Kernan), complete what work we can, submit it to the people, and yield up our power to the hands from whence it was received. If the work of the Convention was to be continued, the next Legislature could so determine, and call it together again by another enabling act.

Mr. VAN CORT, (rep.) of Niagara, considered that this Convention derived its authority from a higher power than the Legislature. If its power ceased by any adjournment, the Legislature could not revive it; but he did not believe the power of this body would cease by any such action. It was evident that the work could not be completed in time for submission to the people this fall. This was conceded on all hands. The question arose, then, what was best to be done? He doubted whether this Convention had the power to submit any proposition separately. It had been sent here to do a work, and he wanted it completed before sending it to the people. He had no complaints to make against any person or any party in this Convention. He had endeavored to discharge his duty here, and was willing to accord the same degree of merit to others.

Mr. CHESSMAN, (dem.) of Ontario, said the only two questions of amendment agitated before the Convention met were the relief of the Court of Appeals and the extension of suffrage to colored persons. These two amendments could be perfected in time to submit this fall. Now, let the Convention perform this work, and adjourn to next May, and in the meantime the Legislature could take action upon the necessity of further action by this body. By reference to the files on our tables, it would be seen that our work was not half done. There was no objection to submitting these articles separately. It was not a new thing, for it had been done frequently, both in connection with the national and State constitutions. He hoped the Convention would consent to perfect and submit these two propositions at the coming election. In that event, we shall have accomplished something. If the contrary course is pursued, we shall have accomplished nothing, except to waste the money of the people.

Mr. BECKWITH, (rep.) of Clinton, took the ground that the Convention was in existence by virtue of the organic law, and therefore was not subject to the action of the Legislature. The Legislature had no power to limit the session of this body. It was commissioned to perform a certain work, and it could sit until that work was completed. The powers of this body would be just as patent after the November election as before. There were other subjects agitated besides those that had been mentioned. The people believed that the canals had been mismanaged, and investigating committees had been appointed. The contract system was believed to be rotten, and the people demand reform. The same was true of the government of cities and of frauds in the Legislature. The people felt that something must be done to correct these growing evils. These were the questions the people had in mind when the Convention was authorized, and it was our duty to amend the constitution to meet their wants. We had the power to do it justas well after the November elections as before that time.

After further discussion Mr. CURTIS moved the previous question.

Mr. E. BROOKS (dem.), of Richmond, appealed to Mr. Curtis to withdraw the motion. He (Mr. Curtis) had been heard at length on the proposition, and he hoped debate would not now be closed.

Mr. CURTIS said that under the circumstances he felt compelled to insist on his motion.

The previous question was ordered by a vote of 71 to 41.

The question was then taken on the amendment offered by Mr. Kernan as follows:—

Resolved, That the Convention perfect an article as to the Court of Appeals, and provide that the same and the article as to suffrage be submitted to be voted upon separately at the coming November election, and then adjourn without day.

The resolution was lost by a vote of 41 to 76—all the democrats voting in the affirmative, and all the republicans voting in the negative.

The question was then taken on the amendment offered by Mr. Weed, to adjourn to the first Tuesday in May next or to such time as the Legislature may provide. Lost by 32 to 85 votes.

The question was then taken on the resolution offered by Mr. Curtis, as follows:—

Resolved, That on Tuesday, the 24th of September, at at twelve o'clock, noon, this Convention will adjourn until the second Tuesday of November, at the same hour.

When the name of Mr. Cassidy, (dem.) of Albany, was called, he asked to be excused from voting. He said this body was called in accordance with law, and could not act without legislative sanction. He protested against this act of adjournment as against the law, and as a revolutionary action on the part of this body.

Mr. ALVORD, (rep.) of Onondaga, called the gentleman from Albany (Mr. Cassidy) to order. He was not giving reasons for being excused from voting, but was making an argument against the resolution.

Mr. CASSIDY said he was giving reasons why he could not vote to sanction an unlawful proceeding.

The point of order was not sustained.

Mr. CASSIDY stigmatized the attempt to adjourn over fall and the next election as an evasion of the popular will. He said if compelled to vote he should vote against the resolution.

The question was then taken on excusing Mr. Cassidy from voting, and he was excused.

Mr. CURTIS' resolution was then adopted—yeas 78, nays 40.

CANAL TOLLS.

Mr. HATCH offered the following, which was laid on the table:—

After the payment of all debts for which the canal revenues are pledged, and after all the advances, with interest thereon, heretofore or hereafter made for canal purposes shall be repaid, no more or greater tolls shall ever thereafter be imposed, charged or levied upon property transported on the canals than shall be sufficient for ordinary repairs and further necessary improvement.

COMMITTEES TO SIT DURING THE RECESS.

Mr TAPPAN moved that the committees have leave to sit during the recess.

Mr. FOLGER moved to amend—that such service be performed without pay.

Mr. TAPPAN accepted the amendment and it was adopted.

ADJOURNMENT.

At five minutes to twelve o'clock Mr. SCHOONMAKER moved to adjourn.

The yeas and nays were ordered, and the clerk commenced to call the roll at the bottom, instead of the top, beginning with Mr. Young. When he had proceeded at some length, amid laughter,

Mr. SEWARD rose to a point of order. He did not believe at this late stage of the proceedings that the Convention would go backward.

The PRESIDENT decided the point of order not well taken.

Mr. MURPHY raised the point that the call of the roll in this manner would be a reflection on the Convention, as it was going backward. (Laughter.)

The PRESIDENT decided the point of order not well taken.

When Mr. Frank's name was called Mr. Barto said:—"I ask that Mr. Frank's name may be called again."

The SECRETARY repeated the call.

The President said:—I understand that Mr. Frank has paired off. (Laughter.)

Before the roll had been called through the hour of twelve arrived, and the President declared the Convention adjourned until the second Tuesday in November next.

THE BOARD OF FOREIGN MISSIONS.

SPECIAL TELEGRAM TO THE HERALD.

The Convention of Foreign Missions at Buffalo—Reports of the Officers—Four Hundred and Fifty Delegates Present.

BUFFALO, N. Y., Sept. 24, 1867, 9 o'Clock P. M.

The fifty-seventh annual meeting of the American Board of Commissioners for Foreign Missions met today, at three P. M., in the North Presbyterian church, Mark Hopkins, D. D., President, in the chair. The meeting was opened with prayer by Dr. Acker, of Cleveland, Ohio. Rev. M. Cheever, of Terre Haute, Indiana, was appointed, by the President, Assistant Secretary. President Hopkins appointed on the Committee of Arrangements Drs. Clarke and Hencock, Buffalo; G. W. Wood, New York; and Revs. A. Warner, A. Calkins, and S. J. Humphrey of Buffalo. The Rev. Dr. Treat offered a resolution that all committees be appointed by the Board, which was adopted. The Secretary then read an abstract of the annual report for 1867. From this report we learn that nine corporate members have died since the last meeting; thirty persons have been engaged in the missionary work for the first time within the past year. The income for the year has been as follows:—From donations, $350,172 08; from legacies, $76,428 44; from other sources, $12,783 26. Making a total of $437,884 77. There was a balance in favor of the treasury September 1, 1866, of $6,261 97. Now there is a balance against it of $4,432 34.

Prayer was delivered by Dr. Wisner, of Ithica, N. Y., after the Secretary had read the report of the Home Department. Rev. M. Cheever then read an interesting sketch of the foreign missions, and gave a brief account of the labor performed by the missionaries sent out by the Board. The number of foreign missions established, including stations and out stations, are 604; the whole number of laborers employed, including natives, physicians and ordained missionaries, 1,266. The secretary reports as the number of foreign churches under the Board's control, 205; the number of church members, as far as reported, 25,502; added during the year, 1,447.

A motion of Dr. Treat, that the business committee of last year be empowered to report a body of resolutions to be observed at future meetings of the board, was adopted. Letters of apology were read from a number of members who were unable to attend. The secretary states that there is over 450 members present, and that it is expected there will as many more arrive during the night.

The greatest harmony and good feeling is manifested. The North Presbyterian church is handsomely decorated with evergreens and flags. The passages and street in front of the church have been crowded since one P. M. with ladies and clergymen.

The Rev. S. H. Cox, of New York, delivered a lecture in the Presbyterian church this evening.

THE BOARD OF EXCISE.

Meeting of the Board Yesterday—Exciting Scenes During the Session—The Cases Disposed of.

The Board of Excise held their regular weekly meeting yesterday afternoon, President Schultz in the chair.

The court room in which the trials were had was crowded to repletion from one o'clock in the afternoon to seven o'clock in the evening, at which hour the Board adjourned. There were a few striking features about the meeting which particularly distinguished it from certain peculiarities which have from time to time marked the proceedings of the Commission heretofore, and which are of importance enough to be worthy of mention. In the first place a lawyer, in defending his client, actually informed the Board that the said client had certain rights which the Commission were bound to respect, and that he would not allow the attorney of the Board to try his client on a question of having committed offences years ago when the charge against him was simply for violating a certain provision of the Excise law. At this enunciation the jubilant liquor dealers in the room stamped and clapped their hands in the most boisterous manner, while Mr. Schultz made confusion worse confounded by striking the table with his mallet and accompanying each blow on the mahogany with a loudly pronounced word very much resembling "murder" or "order." After the din had somewhat hushed, rising to his full six feet, and after the manner in which Jupiter is said to have shaken his ambrosial locks and given a nod on an auspicious occasion, the President warned the noisy audience to keep their spirited demonstrations out of their feet and hands, otherwise somebody would of a certainty get very badly hurt. No assemblage could have withstood such a warning a moment, so the noises subsided.

Another most interesting feature of the day's proceedings was a small talk which took place between the attorney of the Board and one of the Commissioners. The case was that of a liquor dealer who, according to the statement of an officer, had endeavored, aided by confederates (not rebels), to cut a gutter of a house from under him as he was playing Peeping Tom on a roof one fine Sunday, when he believed he had reason to suspect that the dealer was with his friends filling and emptying the time honored flowing bowl. The vote on the question of revoking the man's license, against whom no positive evidence of "selling or giving away" liquors at the time in question could be brought, stood, for revocation, Commissioners Acton, Crane, Swinburne; against, Bosworth, Stone, Schultz. Of course, five votes not having been cast for revocation, the license was not revoked. Now, Colonel Bliss, the attorney, could not swallow such a terribly bitter pill as this vote seemed to prove to him, so he stood upon his dignity and his feet at the same time, when the following sharp talk ensued:—

Colonel BLISS—I don't see why I should go on with these cases any further, for I assure you that I have no one stronger than the one just voted upon

Judge Bosworth—Mr. Bliss, you have only to do your duty as counsellor and leave the Board to do their duty. If the other cases are weaker than the one in question—

Colonel BLISS—Well, they are.

Judge BOSWORTH—Better try them, then, and let us judge for ourselves.

The attorney subsided at this, and the other cases were called.

There was another case, which would lead one to believe that the social club system has not altogether been so effectually squelched as certain fanatical advocates of the Excise law had devoutly prayed would it be. The case was that of George Jack, of East Twelfth street, whose witnesses testified that he had sold lager on a week day to a target company, which is unknown to fame, by the title of the "Forrest Musketeers," which lager was consumed by the company on a Sunday in a room located on the second story of the house that Jack lives in, but didn't build. The vote on the question of revoking the license stood as follows:—Aye—Commissioners Acton, Crane, Stone, Schultz. Nay—Commissioners Bosworth and Swinburne. The requisite number of votes for revocation not having been cast Jack was not made unhappy by being forced to take down his liquor sign.

The licenses of the following persons were revoked:—George Debabed, 632 Eleventh avenue; Ernst, Haas, 541 Tenth avenue; Theobald Miller, 153 Bridge street, Brooklyn; Henry Kayos, North Sixth street, near Seventh street, Brooklyn; John G. Gantzknutz, 153 Broome street; William A. Shelloo, 404 Madison street.

THE RICHMOND COUNTY AGRICULTURAL FAIR.

The attendance yesterday at the Fair was much larger than on the first day. Most of the farm produce and implements of husbandry for exhibition have been brought in. The pens for stock have been all engaged, and will be filled to-day. The grounds on which the exhibition is held belong to Wm. H. Vanderbilt, and are leased by Mr. Pultz, who has kindly placed them at the service of the agricultural society of the county. They are situated along the beach and command a beautiful water and land view. In the circle inclosed by the track several tents are pitched, among them one large one for agricultural produce, and another for farming implements, besides several smaller ones for refreshments and the like. Near these are the pens for stock, of which it is expected there will be a very fine exhibition. The most of yesterday was spent in entering and arranging goods and cattle for the exhibition, and all preliminary arrangements having been made the remainder of the week will be devoted to amusements, including horse racing, trotting matches, base ball and the like. On Friday evening an address will be delivered by Benjamin F. Bruce, of Lennox, and the exhibition will be closed on Saturday by an address by Erastus Brooks. Among the attractions of to-day will be a contest at base ball between the Unique and Excelsior Clubs, of Staten Island. The Brooklyn Yacht Club, Commodore Kidd, will attend, and have ordered a clam bake for one hundred and fifty guests.

SALES OF REAL ESTATE YESTERDAY.

By E. H. Ludlow & Co.

1 lot northwest cor. Madison av. and 61st st., 25.5x95...$9,800

By James M. Miller.

1 lot north side 125th st., 201 ft. west 3d av., 25x1⅝ block. 6,900
1 lot south side 126th st., 210 ft. west 3d av., 25x⅞ block. 1,825
1 lot south side 84th st., 350 ft. east 5th av., 25x102.2.... 5,700

FIRE IN MILWAUKEE.

MILWAUKEE, WIS., Sept. 24, 1867.

J. Reynold's furniture manufactory on the corner of Ninth and Eliot streets, was burned last night, involving a loss of $30,000, on which there is no insurance.

THE COURTS.

COURT CALENDAR THIS DAY.

SUPREME COURT—CHAMBERS.—RESERVED CASES.—Nos. 48, 68, 69, 73, 74, 75, 78, 85, 86, 93, 99, 100, 101, 102, 127, 141. Call commences at No. 143.

MARINE COURT—TRIAL TERM.—Nos. 310, 311, 335, 312, 314, 315, 316, 317, 318, 319, 320, 321, 322, 324, 325, 326, 327.

COURT OF APPEALS AT ALBANY.—Nos. 1, 4, 5, 6, 7, 8, 9, 10, 11, 13, 15, 17, 18, 19, 20.

UNITED STATES COMMISSIONERS' COURT.

The Case of Eliza Altenheim.

Before Commissioner Osborn.

The further hearing of this case was resumed yesterday.

The deed referred to in the report of this case, yesterday, not being produced, the Commissioner announced that this case had already occupied a great deal of his time. The District Attorney appeared to take no interest in it, and had not been present to conduct it, and therefore, he felt that it was time the case should stop, more especially as it was important, for a proper elucidation of the matter, that this original paper should be in the hands of the court. He believed that that paper had been abstracted from the court. He did not feel disposed to conduct an examination for the benefit of any party, on one side or the other, or for the gratification of any feeling of revenge, and it was the last case in which parties should bring on an examination before him for the gratification of personal feeling. He could not see that it was for the interest of the government that the matter should further be proceeded with, and, therefore, without passing upon the merits of the case, would dismiss the proceedings on the ground that the paper referred to was missing and that it was necessary to the enlightenment of the case.

BANKRUPT COURT.

Petitions Filed Yesterday.

Lee Pine, Poughkeepsie, Dutchess county referred to Register Beale; John Higgins, city, referred to Register Ketchum; Cæsar Newman, city, referred to Register Fitch; Robert W. Beattoy, John C. Beattey and George R. Beattoy (firm of Beattey & Co.), city, referred to Register Dayton.

SUPREME COURT—CHAMBERS.

The Sherman Divorce Case—Further Examination of Mrs. Sherman in the Habeas Corpus Proceedings.

Before Justice Clerke.

Frances E. Sherman vs. Sidney Sherman.—The examination of Mrs. Sherman, whose efforts to obtain possession of her child, Walter, were noticed in Tuesday's HERALD, was continued yesterday. She deposed as follows:—I never did enter into an agreement with either Mr. Benjamin Sherman or his wife to let them keep the child for a definite period.

[Counsel here read to Mrs. Sherman the return sworn to by Benjamin Sherman. She was asked if this was true. Question objected to.]

Witness resumed—I never entered into any such agreement as that set forth in the return; myself and husband, jointly, never entered into any agreement with Benjamin Sherman and his wife in relation to the child; Benjamin Sherman and his wife have had three children; they are living; they are about fourteen, seventeen and nineteen years of age. The boy is the worst of the lot; he curses and swears; that is generally known all over the village; I know nothing of the character of the girls.

Q. Are these girls dressed in the same condition as that in which you described your child? Objected to.

The second time that I went up to Coxsackie I went there alone; I got there about five o'clock in the morning; Mrs. Sherman at first refused to let me come in; she asked me what right I had to come there; I told her I came to see my child; she told me she did not wish me to come there, and I should not come in or take off my things; I told her I would; I went into the other parlor or dining room; she commenced to abuse me; she said I had no right to come there; she hated me; I dressed too well; that I was proud, and that I was a bitter enemy of hers; her daughter Julia was present at this; I told her I did not come up there for any quarrel; I merely came up for my child; I took up with me a large bundle of clothes for him; she said she was pleased that I brought up the clothes, as the child wanted them; that they could not spend money to dress my child; I told her she need not be troubled with him long, as I was going to take him home with me; she said that was the best thing I could do, as she was too old to take care of him, and as her health was poor that the only thing that worried her was that she feared Sidney, my husband, would beat the child, as he never came up there without attempting to whip him; when leaving there she told me never to come there again; I told her I would come when I pleased; I knew she did not want to see me; I did not come to see her; I came to see my child; I wanted to bring the child home with me, but they would not let me; during all the interviews stated they never made any allusion to the alleged agreement; the first I heard of it was when read to me by my counsel the other morning in court; my mother is abundantly able and willing to keep and support the child.

The proceedings were here adjourned till Wednesday, at one o'clock P. M.

The Costs in the Columbian Insurance Suit.

The Columbian Insurance Company vs. Slocum.—This action was brought on premium notes of the company. The matter fell into the hands of receivers, and an application is now made to compel the receivers to pay costs. Opposition was made on the ground that the question of paying the costs as a preferred claim or by allowing them to remain and be paid *pro rata* with the other claims was entirely in the discretion of the court. Objection was also made to an allowance of $630 made by Judge Barnard as excessive, being about five per cent of the claim. Decision reserved.

Wall Street Stock Speculations—Practice on Discharging Order of Arrest.

James Fiske, Jr., et al. vs. James C. Harriot.—This was a motion to vacate an order of arrest which had been granted in an action to recover several thousand dollars, alleged to have been borrowed on fraudulent representations as to the value of certain Wall street stocks. The motion to vacate the order was based on alleged insufficiency of the affidavits upon which the order was allowed.

Plaintiffs' counsel resisted the motion, raising the point that as the defendant had not been arrested under the order a motion to vacate it was not in place and could not be till the arrest was actually made.

Defendant's counsel admitted that he had not been arrested, but disagreed as to this point.

Judge Clerke held that he had no jurisdiction to entertain the motion till the party should be arrested.

Defendant's counsel gave notice that he would appeal from this ruling.

COURT OF COMMON PLEAS—SPECIAL TERM.

Another Divorce Case.

Before Judge Cardozo.

Kate Douglass vs. George E. Douglass.—These parties were married in 1853, and have had five children. Five years ago they separated. Mrs. Douglass seeks a decree of divorce from her husband on the usual grounds, and asks alimony and counsel fees pending the action. She alleges that her husband has a violent temper and is intemperate in his habits; that he has committed personal assaults upon her and called her vile names.

On the other hand, he denies that he has treated her badly; says that she deserted him; he has a good home, and is ready and willing to welcome her there when she is willing to return.

The Judge held the matter for consideration.

SURROGATE'S COURT.

Before Gideon J. Tucker, Surrogate.

In the matter of the accounting of William Depew, Executor of the last will and testament of Thomas Bolton, deceased.—Thomas Bolton died on the 27th of April, 1863, leaving a last will and testament wherein he named William Depew sole executor, who duly qualified. By the will the said testator gave all his property in trust to the said executor, with directions to invest, call in and reinvest the same, and pay the income of one-third thereof to Mrs. Marie Sands during her life, with remainder to her daughter, and like provisions as to the other two-thirds, the income to be paid to the daughters, with remainder to the mother and other daughter. On October 12, 1865, Mrs. Sands applied to the Surrogate for an order for the said executor to account, and on the return thereof the said executor applied for a final accounting, and on the return day of the citation filed his account, in which he admitted that the sum of $36,436'66 had not been invested by him, but was used in his business. The Surrogate thereupon, on motion of the proctor for Mrs. Sands, directed the said executor to invest the said money (so used by him in business) in United States stocks. The executor appealed from the decree on the ground that the Surrogate had no authority to make such order, the money being a trust fund held by him as trustee, and subject to the jurisdiction of the Supreme Court alone. The proctor of Mrs. Sands then presented a petition to the Supreme Court, reciting the above facts and asking an order that the said executor, as trustee aforesaid, invest said money as directed by the order of the Surrogate, or give security. To this the executor objected on the ground of irregularity, viz:—that the proceeding should have been commenced by an action. The Court (Justice Ingraham) overruled the objection, and ordered the said executor to invest the said moneys as had been directed by the Surrogate. From this the executor appealed to the General Term and applied to Judge Leonard for a stay of proceedings pending such appeal. This Judge Leonard denied unless he should give security in $50,000. Failing to do this the Court removed Mr. Depew, and John T. Martin was appointed trustee in his place; Miller, Peet & Miller for Marie Sands.

SUPREME COURT (KINGS COUNTY)—SPECIAL TERM.

Injunction Against the Bushwick Railroad Company.

Before Judge Gilbert.

At the meeting of the Board of Aldermen, on Monday, permission was granted the Bushwick Railroad Company to lay tracks on South Fourth and Meserole streets, E. D. Yesterday morning, in the Supreme Court, Mr. J. T. Sackett, on behalf of James Rodwell, made an application for an injunction against the company, restraining them from laying the tracks on the streets named, on the ground that the consent of a majority of the property owners along the route had not been obtained, as the law requires.

It is claimed on behalf of the company that in 1866 a grant was given by the Common Council to construct a railroad through the above thoroughfares to Bushwick; but until December 17, 1866, nothing was done in the matter. An extension of the time named in the grant was then given, and meanwhile this company has been organized. Under the amended charter the company would have been compelled to obtain the consent of a majority of the owners of property along the route previous to laying the tracks; but last year they succeeded in having their road excepted from the provisions of the amendment.

His honor Judge Gilbert issued an order requiring the defendants to show cause on the 30th inst. why an injunction (perpetual) should not be granted against and restraining them from taking measures towards laying the tracks until the present motion shall have been decided.

POLICE INTELLIGENCE.

CRUELTY TO ANIMALS.—Michael Cavanagh and James Hennessy were arrested by one of the officers of the Twenty-ninth precinct and brought before Justice Ledwith yesterday on a charge of cruelty to animals. It is alleged against the accused that they drove a heavily laden horse, having two sores in his shoulder, through Fifteenth street. They were both compelled to find bail to answer the charge.

AN EXPENSIVE MEETING.—An individual who gives his name as Joseph H. Lavine, residing at No. 14 Congress street, Newark, appeared before Justice Ledwith yesterday and preferred a charge of larceny against a colored woman named Sophia Allen. It appears from the affidavit that the complainant met the accused in Laurens street, and she induced him to accompany her to a house in Grand street, where they retired; but on his awaking he discovered that the wench was gone, and his watch, valued at $110, was abstracted from his pocket. Sophia was subsequently arrested and brought before the magistrate yesterday, by whom she was committed to answer.

A BRACE OF SHOPLIFTERS—CAUGHT IN THE ACT.—Shortly before six o'clock on Monday evening, Mary Elkins, Ella Thompson and a woman whose name is unknown entered the store of Mr. William K. Peyton, 272 Bowery, for the ostensible purpose of making some purchases. While they were standing at the counter, Robert F. Swayze, one of the clerks, observed the woman Elkin pushing two pieces of dress goods, worth $52, toward Ellen Thompson. The latter in a moment afterwards caught up the cloth and, it is alleged, secreted it beneath her skirts. The women then started to leave the store, when Mr. Sweyze intercepted and detained the women named, but the stranger succeeded in making her escape. Officer Munier, of the Fourteenth precinct, was called, and on searching Ellen Thompson, the stolen goods were, as he alleges, found concealed in a shoplifter's pocket secured to her waist under the skirts. The women were yesterday taken before Justice Hogan and committed to the Tombs for trial in default of bail. The prisoner Elkin was forty-four years of age, a native of Germany and lives in Jersey City. She says she peddles for a living. Ellen is thirty-five years of age, born in Ireland, is a seamstress and resides at No. 74 Downing street.

ALLEGED THEFT OF A HORSE IN WASHINGTON CITY.—John Wallace, a colored man, living in Washington, D. C., appeared before Justice Hogan at the Tombs yesterday morning to enter a complaint against Serf Levy, who had been arrested by detective Wooldridge. Wallace alleges that on Saturday last the accused, without authority, entered his stable and took therefrom a bay horse valued at $175, which he shipped to this city aboard the steamer John Gibson. After learning this, Wallace telegraphed on to Captain Jourdan, of this city, requesting him to arrest Levy and take charge of the horse when the steamer arrived. After the Gibson reached her dock Levy called for the horse and was taken in charge by detective Wooldridge. The magistrate committed the accused to the Tombs for trial. He is forty-two years of age, a native of France and a horse dealer.

ARREST FOR AN ALLEGED THEFT IN VIRGINIA.—Mr. William Swaine, living at No. 177 East Broadway, yesterday caused the arrest by officer Purcell, of the First precinct, of George W. Staples, on the charge of being a fugitive from the State of Virginia. It is alleged in the affidavit of Mr. Swaine, now on file, before Justice Hogan, that on the 27th day of July last, in Norfolk, Va., Staples stole from him a check for $1,000, drawn by him [Swaine] to the defendant's order, on the First National Bank of Norfolk, Va. Staples, it is said, with the check or the proceeds thereof, fled to this city, hence his arrest as a fugitive from justice. Mr. Swaine further swears that on or about the 15th day of August he entered a criminal complaint against Staples before a magistrate of Norfolk, who issued his warrant for his arrest, but that process was never served, the officer being unable to find the accused. In conclusion, Mr. Swaine asks that Staples may be detained until he can obtain a requisition from the Governor of Virginia upon Governer Fenton, of this State, for his return to Norfolk to await his trial. The accused alleges that he borrowed the money ($1,000) from Mr. Swaine, for which he gave him his note of hand, payable in thirty days from date, and that he had no intent to steal. After hearing the testimony Justice Hogan decided to detain the defendant for two days, in order to give Mr. Swaine an opportunity to produce the officer holding the warrant issued by the magistrate in Norfolk. Should the Virginia officer fail to appear with the warrant, Mr. Staples will be discharged.

WHAT CAME OF GOING FOR LAGER.—Rosa Black, of Sheriff street, saves money, drinks lager and receives her friends in as hospitable a style as it is possible for one who does not pay five per cent on her revenue into the treasury of our Uncle Samuel. Yesterday Miss Julia Graham called on her friend Rosa, who enjoyed her conversation so much that she invited her to dinner, and that the roast beef and pudding mightslide down easily, proposed a little lager. As Julia had not yet joined the daughters of Samaria, she did not long hesitate about accepting the invitation to imbibe, and accordingly Rosa hastened to the nearest brewery for "das lager bier." During her temporary absence Julia was seized with a fit of curiosity, a thing most unusual in the sex, and commenced rummaging in secret places, during which her organs of secretiveness became unusually excited. So much so, indeed, that on Rosa's return "mit ter bier" she drank the soothing brew "*dey said nuel*," and then, to her hostess' great surprise, who had calculated on having a lengthened gossip with her dear friend, in which the characters, doubtless, of numerous other friends not less dear would have been carefully taken apart and thoroughly criticised, departed. The hasty retirement of Julia, therefore, aroused suspicion in the "bosum" of Rosa, who recalled the fact that "in an old pitcher, placed in the closet in the room in which defendant sat," were stowed away for safe keeping $80; and forthwith she counted her money, on every piece of which was a handsomely engraved portrait of Chief Justice Chase, and—horror of horrors!—but $5 (in this most dolorous business) turned up. Squeezing the pitcher didn't help matters much. Who could have been the thief? Alas, could it have been her dear friend Julia, who not ten minutes before had "lagered" with her? To cut a long story short, Julia was arrested on a charge of petty larceny and held to bail in $300, which she gave and departed, never more to be the guest of Rosa Black.

A PAIR OF BIRDS.—Julia Shay and Marguerite Richter, the first Irish and the last "Dutch as pe tam," and both residents of Monroe street, rushed to the judgment seat of Justice Mansfield yesterday morning, and with not either stopping to give his Honor an inkling of their troubles commenced thereby:—

"Ooh, the Lord be wid us, Mather Joodge, but this here woman 'ill be the det ov me yit. Shure, yer Honor, she bese all the time a calling me a——"

"Ach, Herr Richter," here broke in Marguerite, "Sh shall mit dis womans tie. She say do me dat I lish nix—vat you calls it in Englis—a lady vat lives mit ter mans in ter haus und he no your——"

"An, Joodge, asthore," cried Judy, impatient of speech, "she ken to me dure the mornin' an she ses to me in her furrin gibberish, which is, more be token, like monkey talk as no dacent Christian can undherstan' wan word fat she ses, an' she calls me——"

"*Herr Richter!*" shouted the Dutch woman. "I'se speaks ter English goot, an' she talks it nix. She pes Irish," and Young Holland looked down with something like contempt stamped on her ordinarily stolid looking countenance upon the daughter of Erin. "Dis womans she say to me dat I had a papy by——"

"Now, your Honor," interrupted Miss Shay, "it's truth fat I said to her, an' fat does the ignorant, furrin' woman do but say to the naibors, fat I couldn't tell, who the fader of me child was, when iverybody fat knows anything knows fat it is. Mike Doolan does, be——"

"*Ach, Richter,*" interrupted the German, "she pes all ter dimes sayin' I pes *schlechte Frau*, und vat I have *ein Hurenkind.*"

"Avic, yer Haner," retorted Miss Shay, "fat Christian cud be undherstandin' thim words? While she bese at it, why don't she lave av a talkin' thim jaw breakin' words. But, *haugh na na dasuil*, the divil a word av dacent English could the poor haythen iver spaik."

"*Ach, Herr Richter!*"——

"Hop, stop there now! Stop there!" cried Justice Mansfield, running his hands frantically through his hair. "What—what is the trouble between you two? Hold! Don't you two speak at once. Now, you, Miss Shay, what did this young German woman say to you?"

"She said, yer Haner, an' shure it does be desradin' to a dacint woman like me, who belongs to a Christian people, to be mindin' fat a poor *omadhaun* of a furriner like her talks about."

"There, now—there you go again, woman!" cried his Honor, getting his dander up. "What did she say to or of you? Speak, now, and none of your palaver."

"She—the Dutch crather there—sed to Molly Mulvaney, fot lives on the flure above her, ses she, I wasn't a dacent woman, an' fot was the throuble atween me an' me frind Doolan, fot boords wid do widow McGowan, in the avenue; an' dat it was all very well to have a baby in me arms whin I hadn't the praist's certificate av marriage to show for it! Dat's fat she sed av me, yer Honor!" And Julia looked as if she would tear and there like to pitch into the "furriner" and give her ballyboo!

"I've heard your story; now I'd like to hear what you have got to say, Miss Duhler," said the magistrate, apparently getting a glimmering idea of what the row was about.

"Och, *Herr Richter!* she say to me," responded Marguerite, "she say to me dat I pese von *hure*, dat I was nix, mitout von hoospand, an' ter paby vas no man's child. Den she go round rit ter peoples, und she laugh, und she grin, and she strike her hand togedder, und she trinks mit ter whiskey undil she gets trunk, und den she says I pese von bad womans vat pegoots for nix."

"I see, I see," exclaimed his Honor. "You are a sweet pair of singing birds; and it is my official opinion that neither of you has been swindled out of a good name. Go home both, and if I ever find either of you here again I'll send you up. Go!" And they went.

A PARTRIDGE CAUGHT.—Scarcely had his Honor disposed of the mixed case of Shay vs. Duhler to his satisfaction when another detachment of Monroe streeters were ushered into his presence by a police officer, who gave their names as Mary Anne Partridge and Elizabeth Cheeny, and both of whom had been (up to the moment of their arrest) on a brilliant jamboree on a quart of double distilled camphene, for which they had broken a dollar, and at the time of their arrest were quarrelling in a Kilkenny sort of way about the change. The officer stated that they had collected a large crowd opposite the house No. 87, and could not be persuaded to leave. He was therefore necessitated to arrest and bring them before his Honor.

"What have you to say to the charge preferred against you?" asked the magistrate.

"Troth," replied Miss Cheeny, drowning her face and not over snow-white shoulders, like Niobe, in a shower of tears, "troth, I (hic) was niver in a place like this afore. Och, (hic) may yer Haner's sowl be bathed in a say av glory if fat I bese sayin' to you is not (hic) the honest truth, an' I want to see me mother, shure," and Bessy who, being endowed by nature with a particularly large potato trap and lips that looked like a pair of rump steaks, made her face as much like the head of a tom cod laughing at the antics of a mermaid as a particularly active mind could imagine. Her associate, Mary Anne Partridge, on the contrary, considered the arrest a capital joke, and turning to her friend cried:—

"There now, be quiet, ye divil, ye! Fat do youse be cryin' for, honey? The swate friends ye left in Cork? Well, blast the wan I left there, although the bys used to say that Molly Partridge war the best dancer in the town. Do yous want to see a real Irish jig, yer Haner?" continued the woman, as she turned towards where his Honor was sitting; and before an officer could interpose the lively Molly struck out her heels and toes quite scientifically, accompanying her rapid and drunk as she was, not ungraceful movements with a tchune. "That bese the way we did it, yer Haner, in the ould time, before Bessy or myself iver thought av comin' to Amerikay, whin a sperrited gur-rl like meself could have a durap av the crather at a wake or a dance, widout a bloody rapscallion av a paller throttin' after yese to be showin' how smart they bese."

"Och, marcifu' (hic) Joodge," here broke in the sobbing Bessy (a lady who could not have seen less than forty summers), "Och, do let a poor (hic) heartbroken crather loike me, fats niver seed the inside av a court house afoore—do let me go this time, won't yese, to me mother?"

"Joodge," cried the Partridge, "don't belaive a wor-rd fatshe says. Shure, Betty Cheeny, you ought to be ashamed av yerself, ye ould f