NEW YORK CITY.

THE COURTS.

UNITED STATES CIRCUIT COURT—IN BANKRUPTCY ON APPEAL.

Before Judge Nelson.

Arguments in appeal having been heard in the Circuit Court in the two subjoined cases, Judge Nelson delivered judgment in each case as follows:—

John Sedgwick, Assignee, &c., vs. James K. Place et al.—The bill is filed in this case by an assignee in bankruptcy to compel the defendants, L. W. Bunett, Jr., and Thomas T. Sheffield, to deliver into his possession certain property and assets, which are claimed as belonging to the estate of the bankrupts, and which have become vested in him under and by virtue of the proceedings in bankruptcy. The case as presented in the papers is this:—The bankrupts suspended payment of their debts, being insolvent, the 20th November, 1867, and several suits having been instituted against them, with a view to an equal distribution of their assets among all the creditors, made an assignment of all their property, real and personal, to the defendants in trust, to convert the same into money and pay their debts, and in case the fund fell short of paying all their debts it should be distributed equally among all of the creditors *pro rata*. The assignment was made and executed under and by virtue of the statute of the State of New York relative to general assignments by insolvent debtors for the benefit of their creditors. It was duly recorded in the office of the Clerk of the City and County of New York, and within the time prescribed the assignors made and filed under oath a full and complete inventory of all their estates, real and personal, and of all their debts and liabilities. The assets were large, and the assignees were required to enter into bonds with good and sufficient security for the faithful discharge of their trust to the amount of $320,000. The assignees are engaged in the execution of their trust and have already in deposit in the United States Trust Company some $45,000 awaiting distribution among the creditors. At the time of this assignment the insolvent debtors had no intention or expectation of applying for the benefit of the Bankrupt act, nor had the assignees any reason for the belief that any such intention existed. All intention to defraud creditors or to prevent the property of the debtor coming to an assignee in bankruptcy is denied by parties, and there is no proof in the case to the contrary. The insolvent debtors not being able to make a settlement with their creditors, and apprehending the provisions of the Bankrupt act might cease relative to voluntary applications, unless by the assent of the creditors or the payment of fifty cents on the dollar, applied in February following, by petitions, for the benefit of the act, and were adjudged bankrupts as copartners on the 7th of that month. The motion upon this state of the facts is, that the assignment under the State law be set aside, and the assignees render an account to the complainant as assignee in bankruptcy, and that they be restrained from any further execution of the trust. Assuming the assignment in question to be untainted with fraud, either against creditors or against the Bankrupt act, which is the present position of the case, we find nothing in the provision of the law which would authorize us to take this property out of the hands of the assignees under the State law and turn it over to the assignee in bankruptcy, and must, therefore, deny the motion for a preliminary injunction. Motion denied.

John Sedgwick, Assignee, vs. William Minck and Charles B. Bostwick.—The bill in this case is filed by an assignee in bankruptcy to compel a receiver in creditors' bills against the bankrupt appointed before the proceedings in bankruptcy, to deliver up the property in his hands as receiver. The case is this:—On the 6th of January, 1857, Andrew Beiser, the bankrupt, being insolvent made an assignment of his property, real and personal, to William Minck, giving preferences among his creditors. Creditors' bills were filed against Beiser, the debtor, and Minck, the assignee, and Charles B. Bostwick, one of the present defendants, was appointed receiver; and on the 16th of March, 1858, he commenced a suit in the Common Pleas of the city and county of New York against the debtor and assignee to recover possession of the assets; and such proceedings were had that on the 9th of December following a judgment was rendered in favor of the receiver, adjudging the assignment fraudulent and void against creditors. From this judgment Minck, the assignee, appealed to the Court of Appeals, where the case is still pending. In January, 1868, Beiser, the debtor, was adjudged a bankrupt, and the complainant appointed the assignee, who now seeks to obtain possession of the assets of the estate, the right to which had passed to Bostwick, the receiver appointed under the creditors' bills. The filing of these bills, according to the law of New York, gave a lien upon the assets of the debtor in behalf of the judgment creditors, and the Receiver, representing their interests, has, it seems, been diligently engaged in endeavoring to reduce them to possession and apply them to the payment of the judgments. It is difficult to see what right exists in the assignee in bankruptcy to this property thus devoted by the law to the payment of the debts of these judgment creditors some ten years before any right attached in bankruptcy. The judgment creditors have been subjected to a very considerable expense already in the litigation and have succeeded in the lower courts in setting aside the assignment as fraudulent, and thereby giving effect to their judgments against the property. Whether they will derive any benefit from their expense and trouble must depend on the decision of the appellate court. It seems to us that they are entitled at least to this chance, and that the bankrupt's assignee is neither entitled to it himself nor in a position to deprive them of it. The question involving the right to this property is in the State court, where it belongs, and the decision of that court will be conclusive upon the right. If, in affirmance of the judgment of the court below, the property will be applied to the satisfaction of the judgments on the creditors' bills; if in favor of the validity of the assignment, it will take the direction given under the trusts created in the assignment. The right to this property attached long before the assignee in bankruptcy appeared, and before even the passage of this Bankrupt law. The motion to dissolve the injunction granted.

UNITED STATES DISTRICT COURT—IN BANKRUPTCY.

A Trial By Jury.

Before Judge Blatchford.

In the Matter of Eli Hoppock.—In this case a jury trial was demanded in order to ascertain whether or not Eli Hoppock should be adjudicated a bankrupt. The hearing was begun yesterday afternoon and resumed this morning. The facts of the case, as alleged in the pleading on the part of the creditors, are that he has concealed or conveyed away his property, with the intent of defrauding his creditors, and that he has concealed and secreted himself for the purpose and with the intent of evading the service on him personally of a legal process to compel him to come into court; and that he has by those acts committed acts of bankruptcy. It was stated on the trial that Hoppock had originated the Atlantic Coal Company, which turned out to be an unfortunate speculation, in which capital and liabilities to a considerable amount were involved and in which he and some six or seven persons in Philadelphia were principally implicated. The period laid in the writ and application for trial was from the 9th of March to the 2d of May in the present year. In eliciting testimony counsel endeavored to extend the period to six months ending the 2d of May, and proposed to give evidence of acts of bankruptcy on the 4th of March; but the Judge refused to allow him to travel back anterior to the 9th of March, the day laid in the writ for trial.

The jury found a verdict in favor of the petitioning creditor, thus declaring that the defendant had committed the act of bankruptcy alleged against him.

UNITED STATES DISTRICT COURT—CRIMINAL CALENDAR.

Forging Papers to Receive Prize Money and Arrears of Pay.

The United States vs. John H. Egan and William Martin.—A jury having been sworn to try this case, Mr. Bell, United States Assistant District Attorney, opened the prosecution by reading the indictment and the section of the act of Congress upon which it was founded. It appears that John Martin, a coal heaver on board one of the United States ships-of-war, died in the Naval Hospital at Philadelphia, in August, 1865. There was then due to him prize money and some arrears of pay, and it is charged against those two defendants that they had conspired to defraud the government by false representations and forged letters of application for those arrears of moneys. The defendant, William Martin, is charged with having represented himself to be the only surviving brother of the deceased, John Martin, and his sole administrator. The other defendant, Egan, is charged as a co-conspirator with William Martin in this alleged fraud.

The jury rendered a verdict of guilty against both defendants.

Conviction of Illicit Distillers—Disappearance of the Convicts.

The United States vs. Ferdinand Sulsberger, George Strauss, Charles Heilman, William Silver, Jacob Fluischauer and Jacob Hess.—The trial of this case lasted five days and the result is:—William Silver is not amenable, never having been arrested; the jury acquitted Jacob Hess and found the other four guilty on all the counts of the indictment.

The jury were out from one o'clock until about nine on Tuesday evening. The defendants, being on bail, were allowed to go at large, and were not present when the verdict of guilty was given at nine o'clock, nor have they been seen or heard from since. Deputy marshals and other smart fellows are out in all directions, but no trace of the missing defendants can be found.

SUPREME COURT—CHAMBERS.

The Greenleaf-Mumford Case Again Before the Courts.

Before Judge Ingraham.

Greenleaf vs. Mumford.—Mumford was a stock broker and creditor of the plaintiff, and failed to the extent of about $200,000 in gold. After his defalcation attachment was issued at the suit of the plaintiff against funds belonging to Mumford, but before the attachment was served on him he had paid the funds over to a third party. An attachment was issued in a second suit, and before service the money had been paid by this third party into the hands of an assignee for the benefit of creditors. Plaintiff obtained judgment in the first suit and secured the money, giving security to refund it if he should fail to succeed in his second suit against the third party. The case was appealed to the General Term, where it was decided that the assignee had a valid title to the funds, and the case came up yesterday on a motion to compel plaintiff to pay back the moneys. The plaintiff claims that having appealed and given security for costs he cannot be compelled to refund the money until a decision shall have been rendered on the appeal. Decision on the motion reserved.

Chicago, Rock Island and Pacific Troubles Renewed—Injunction.

John L. Gates vs. The Chicago, Rock Island and Pacific Railroad Company et al.—This is a suit precisely similar to those instituted by Hatch, Fisk and others against these defendants, in relation to the new and alleged illegal and unauthorized issue of forty-nine thousand shares of stock, the only new matter alleged being the negotiations for a settlement of all the former suits, recently had at Chicago, and that plaintiff fears that under this attempted settlement all the property of the defendants now within the jurisdiction of the court will be removed beyond its control.

An injunction against the defendants was issued on the 9th of June, and the case came before the court yesterday on a motion to continue that preliminary injunction. The court reserved its decision.

SUPERIOR COURT—SPECIAL TERM.

Motion to Vacate an Order of Arrest.

Before Judge Garvin.

Charles F. Copeland vs. Max F. Strauss.—This was a motion to discharge an order of arrest issued against the defendant, who claimed to have sold to the plaintiff and others one hundred and fifty barrels of whiskey in bond. The plaintiff, however, alleged that the sale was rescinded, inasmuch as the whiskey in question was not in bond, and, therefore, caused the arrest of the defendant, for whose discharge an application was now made. The court reserved its decision.

COURT CALENDAR—THIS DAY.

SUPREME COURT—CIRCUIT.—Nos. 738, 987, 3086, 1083, 3890, 3892, 1610, 1372, 1127, 982, 1500, 412, 4416, 1351, 1452, 1161, 1236, 1492, 1356, 1550.

MARINE COURT—GENERAL TERM.—Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19.

SUPREME COURT—CHAMBERS.—Nos. 83, 120, 121, 127, 144, 145, 146, 177, 219, 228, 247, 249, 269, 270, 271, 272, 273, 276, 278, 283.

COMMON PLEAS—TRIAL TERM.—Part 2—Nos. 735, 1090, 824, 1858, 87, 486, 1101, 557, 483, 2009, 2098, 1313, 1314, 431, 597.

CITY INTELLIGENCE.

THE WEATHER YESTERDAY.—The following record shows the changes in temperature for the past twenty-four hours, as indicated by the thermometer at Hudnut's pharmacy, 218 Broadway, HERALD Building:—

3 A. M.	67	3 P. M.	78
6 A. M.	69	6 P. M.	74
9 A. M.	75	9 P. M.	70
12 M.	75	12 P. M.	68

Average temperature.......... 72
Average temperature Tuesday.......... 71¼

THE DANGER OF BAD STREETS.—A man named Bernard Hart was yesterday severely injured by being thrown from the wagon which he was driving, in consequence of one of the wheels getting into a rut.

KILLED BY A FALL.—About half-past eleven yesterday morning a Prussian sailor named Martin Albreck was killed by falling from the topsail yard of the vessel Heness, now lying at pier No. 4 North river. Deceased was only thirty-one years of age.

HEADLESS.—The returns from the Thirty-second precinct yesterday announced the finding of the body of an unknown man in the North river, near Fort Washington. When drawn ashore it was found to have no head. The body had the appearance of being in the water some time.

FATAL ACCIDENT TO A SAILOR.—Coroner Flynn yesterday held an inquest on the body of Martin Albrecht, a Russian sailor thirty-one years of age, whose death was the result of injuries received by falling from the topsail yard of the bark Cereus lying at pier No. 2 North river.

WAS NOT INDICTED.—The statement made in yesterday's issue of the HERALD to the effect that Mr. Joseph Durand had been indicted by the Grand Jury at the Court of General Sessions was incorrect, inasmuch as the complaint was dismissed after a brief but searching investigation.

THE RECENT STEAMTUG EXPLOSION.—The body of William Lynch, the pilot of the steamtug F. Leverghue, who was blown overboard by the explosion of her boiler, on Saturday last, off the Battery and was drowned, was found to-day floating at pier 35 East river. Lynch was a young man and resided in West Troy.

NEW YORK CALEDONIAN CLUB.—The eleventh annual picnic of this club took place yesterday at Dudley's Grove. A steamer and two large barges conveyed the club and their host of friends to the pleasure grounds. As usual, the day was one of continued pleasure, a statement that all present seemed to endorse.

NEW YORK INSTITUTION FOR THE DEAF AND DUMB.—The public exercises at the close of the annual examination of the pupils of this institution took place yesterday. The proficiency of the pupils was very marked and commendable, and received the hearty endorsement of the very select audience present.

ANOTHER DRY GOODS PALACE.—The property on the northwest corner of Broadway and Eleventh street, having a front of seventy-seven feet on Broadway and 222 feet on Eleventh street, was recently sold to a dry goods firm in this city, upon which they propose to erect a magnificent building. John Kellum, the well known architect, will supervise the construction of the edifice.

HONORABLY DISCHARGED.—In reference to the charge of fraud published in the papers of yesterday, in which Alexander B. Kayes was the alleged defendant, upon an examination of the affair before Justice Dowling, at the Tombs Police Court, yesterday, the complainant failed to establish his case, and the defendant was honorably discharged.

A CANDIDATE FOR HADES.—James H. Donnelly, twenty-four years of age, residing at No. 76 Catharine street, attempted to commit suicide last evening by jumping overboard from pier 24 East river. Officer Biggs, of the Second precinct, witnessed the affair and jumped overboard and rescued the would-be suicide. While in the water a struggle took place, Donnelly requesting the officer to let him alone as he wanted to go to the lower regions.

MILITARY.—Company D, Seventh regiment N. G., S. N. Y., under the command of Captain William H. Kipp, will visit the Highlands to-day in celebration of its sixty-second anniversary. Returning to the city in the evening, it will be received by Company G, Captain George Moore Smith, at the foot of West Twenty-third street, at half-past seven o'clock. Members of the other companies of the regiment have been invited to co-operate with Company G in this reception. They will meet at the armory at seven o'clock, in full uniform (gray trousers). Route of march will be through Twenty-third street, Sixth avenue, Twenty-sixth street, Fifth avenue, Fourteenth street and Broadway.

SOLDIERS AND SAILORS' DEMOCRATIC UNION CLUB OF NEW YORK CITY.—A meeting of this club was held last evening at 406 Broome street, when the organization was effected by the appointment of the following officers:—Major Charles W. Kruger, President; Captain Timothy Waters, First Vice President; Captain James McGuire, Vice President; Major James M. Turner, Vice President; Major Gustavus Kowald, Secretary; sailor Philip Reichert, Corresponding Secretary. The club will meet next Saturday in the Moffat Mansion, East Seventeenth street, when arrangements will be made for the reception, on the 3d of July, of the Old Keystone Club, of Philadelphia.

POLICE TRIALS.—President Acton sat in his accustomed seat yesterday and listened to the charges preferred against members of the police force by indignant citizens. There were only nine cases on the calendar. One nice young man—a City Hall official, judging from the diamond (?) pin that sparkled on his manly breast—made a complaint against a Fifteenth precinct man. Of the two stories—the policeman's and the diamond pin man's—the officer's was decidedly the most plausible, at least so thought the astute President of the Board, as he cautioned the young man when he was in the street again "not to put on airs" and he'd get along better with the police.

HUDSON RIVER BAPTIST ASSOCIATION.—The proceedings of the eighteenth anniversary of the Hudson River Baptist Association were continued yesterday in the Calvary Baptist church, Twenty-third street. The committee appointed a year ago to consider the subject of a union with the New York Association submitted a report, which set forth that a united body would be more successful in Evangelizing the city of New York and recommended a union forthwith. Rev. Dr. Corey delivered a very forcible address on the subject of church polity, in which he discountenanced union. A debate on the subject finally took place, when the measure was lost by a majority of two clergymen out of six.

THE FIRE COMMISSIONERS.—This Board met yesterday. Alexander Shaler occupied the chair. There was a full board and little or no business to be transacted. The late explosion which took place in the Bowery, and which was the means of sending a number of unfortunate victims unprepared perhaps before their Maker, was deemed worthy of a passing notice. Mr. T. Bayley Meyers offered a resolution to the effect that the Board of Engineers, to whom was referred the investigation in relation to the explosion of first class (?) Amoskeag steam engine No. 1, be instructed to make a thorough examination and report as expeditiously as possible. This resolution was adopted and the Commissioners' weekly session was brought to a close.

POLICE INTELLIGENCE.

DISCHARGE OF ALLEGED FUGITIVE MURDERERS.—Captain Young, of the Central office, yesterday afternoon brought before Justice Dowling Isaac C. Applewhite and Jared Chapman, who had been arrested on suspicion of having killed one O'Rourke, in Fernandina, Fla., and asked that they be discharged, as there was no evidence against them. The prisoners were accordingly discharged.

ALLEGED ATTEMPTED MURDER.—On the night of January 4, John Johnston, a colored man, residing at No. 121 West Twenty-fifth street, and Samuel Anderson, also colored, got into an altercation in the yard of the former, when Johnston alleges Anderson drew a razor across his neck, inflicting a dangerous wound. Anderson, who is a cook on a steamship, was arrested yesterday by officer Keating, of the Twenty-ninth precinct, and committed at the Jefferson Market for trial on the charge of felonious assault.

BURGLARY AT HENRY BURGH'S RESIDENCE.—Night before last the premises of Henry Burgh, corner of Fifth avenue and Twenty-second street, was entered by forcing open a rear gate, but while the burglars were working into the dwelling they were alarmed and fled. About the same hour officers Hagan and Castles, of the Twenty-ninth precinct, saw two men running away from the premises, pursued and arrested them. They gave their names as J. P. Cook and John Farrell. Yesterday morning they were arraigned at the Jefferson Market Police Court, when Mr. Burgh charged them with burglary. They were committed for trial in default of bail. No burglar's instruments were found upon them. They declared their entire innocence. The evidence against the accused is merely circumstantial.

THE STEAM FIRE ENGINE EXPLOSION.

Continuation of the Coroner's Inquest on the Bodies of Six of the Victims.

Coroner Keenan yesterday morning, at the City Hospital, continued the inquest on the six bodies of the victims in the recent fire engine explosion in the Bowery.

Patrick W. Hand was too ill to speak, his jaws having been recently set by the surgeon.

TESTIMONY OF EDWARD ROVEL.

Edward Rovel testified—I live at 74 Henry street; I am foreman of Engine No. 9; came down from the building, and she was blowing off steam from the safety valve, and the engineer asked me to help him; he was tying down the safety valve with a strap; Hand said, "The safety valve screw is broken;" so he said, "Give me a hand with it;" he asked me and John Conway to assist him in holding it down; at that time he jumped down and went round and turned the engine off; she was going at the time; Conway and I in the meantime took hold of the valve; said I, "What are you going to do," and he said, "Go to the tender and get a strap and fasten it down;" the foreman sung out of the burning building to start the engine slowly; Hand did so; the steam was still escaping from the valve after being tied down; said I to Hand, "Had you not better make it tighter?" he said, "Yes, pull it down one hole lower if you can; I said I did not think there was another hole, and jumped up to look, and just put my foot on the ground again when she exploded; noticed nothing peculiar about the working of the engine before; did not have time to do so; he did not remark that the engine had given him any trouble; don't know whether she had a full head of steam on or not; she had not full fire; the door was half open, I think; she had not a big fire in her; we had only five minutes more to work to wash the building down; was present at the test, when she seemed to work well; heard the foreman say she was leaking; we had used her six months before, when she seemed to work well.

TESTIMONY OF JOHN M. CLARISSE.

John M. Clarisse testified—I live at 401 Pearl street; I am licensed to run engines, but am a practical fireman; have been engaged in that business for the last twelve years; work in the repair yard; was at 31 Engine house when I heard the alarm, and went and assisted the engineer of No. 12 until the stoker came; when I went from there I went to No. 9 and stood looking at the engineer; he was trying the water; he wanted to borrow my coat to fix the steam gauge, and my coat being too heavy I handed him the handkerchief, and then he turned to hand it back, when I heard the noise of the explosion; he wanted to fix the coupling on the steam gauge; he used it; I was standing up against the engine with my wet coat in my hand; he made a motion with his hand and handkerchief as if he was screwing up the coupling; saw Roach and Conroy there; they were fixing a strap; the engineer was saying that he could hold no steam with the safety valve; did not notice anything unusual about her working; he said the spring on the valve was too weak; they have regular steam gauges; the pressure when I got there was between sixty and eighty; that was just before the explosion; did not notice particularly; judge that from the position of the hand; it was not more than that; when he stopped it I do not know whether it ran up or not; he had two cocks of water, I am sure; there might have been three; he had his hand on them while I was there; do not think they were foaming; think there was trouble with the bottom of the boiler two years ago; heard that Stillwell and another man had to get in the boiler one night and press out one of the lower sheets which had been bulged in; think that was the part that went; she was leaking; the boiler was pressed back then and has been used at different times since then; Stillwell wanted to get a new sheet in; there had always been trouble with her; she was sent to the Amoskeag Works, but don't know whether she was fixed or not; they put on a blow off cock there to take out the sediment; few knew what this was for; did not know whether this blow off cock was there when she exploded; that is an unusual place to put it, and an engineer would not know it was there unless informed of it; if the water gets dirty this blows off the sediment which would keep the water foaming; this might create an explosion; this blow off cock was an extra one on the bottom of the boiler.

TESTIMONY OF COLIN LIGHTBODY.

Colin Lightbody testified—I reside in Sixty-first street, between First and Second avenues; am a machinist and engineer by trade; am employed on the Second avenue dummies at present; was in the Bowery just before the explosion talking to our starter of the Second avenue cars; this was Thursday night, half an hour before the explosion; the steam gauge blew out from engine No. 9; noticed engine No. 9 working; it blew out and carried the glass face straight out from the gauge; then went out to the engine and saw a man strapping down the safety valve; spoke to the engineer about it, and he said the scale balance spring was weak; told him it was wrong; he made no reply; heard him try the lower gauge, but only heard dry steam; did not hear any water; thought then it was no place for me to stay, so I wheeled about to leave, but as I went I got it in the head, and that is all I know; had got only ten feet off when she exploded; the boiler exploded because she was out of water, and when she was started there was an injection of cold water on the hot sheets; if the boiler had been full and such an explosion had taken place among so great a crowd, hundreds would have been scalded; as it was, very few were scalded; the engine did not seem to be working right; she worked very unsteadily; this, I think, was on account of the valves not being set right; did not examine the engine closely.

TESTIMONY OF MRS. ELLEN WARD.

Mrs. Ellen Ward testified—I live at 183 Clinton street; I recognize one of the bodies as that of my son, Joseph Ward, whom I saw alive last at eight o'clock on Thursday evening; did not know where he left then to go; the next I heard of him was that he had gone up the street; waited until two o'clock for him, and thought he had been taken to a station house; then I sent my other son after him in the morning, who returned and said he was dead in the Tenth precinct station house; his two thighs were broken and his side was crushed in.

TESTIMONY OF MRS. CATHARINE BEARD.

Mrs. Catharine Beard testified—I recognized one of the bodies as that of my husband, John Beard; reside at 34 Henry street; my husband left me at seven o'clock to attend a candy stand near the Old Bowery theatre; did not hear anything about him until late that night some one asked if my husband had come home, and then I learned that he was hurt; heard he was killed that night about eleven o'clock; saw his body at Bellevue Hospital next day at ten o'clock; fully identified the body; he was about sixty-five years of age and was born in Ireland.

MRS. ANNIE KEATING.

Mrs. Annie Keating testified—Thomas O'Connor, one of the deceased, was my son; he was fifteen years of age; was born in this city; live at No. 9 Roosevelt street; he left me last at seven o'clock on Thursday evening; did not say where he was going; heard he was killed, and saw him next morning at City Hospital; identified the body as that of my son; he was crushed in the ribs.

TESTIMONY OF FRANK CLEMENS.

Frank Clemens testified—One of the deceased was Charles Schildknecht; he was eighteen years old; he was born in Germany; I reside at 144 Norfolk street; he was a locksmith; he went out shortly after supper; next I heard his brother say Charles was not home, and learned he was at the Tenth precinct station house: went there and saw him; his legs were crushed and his head was injured; he was dead; can swear it was the same boy.

TESTIMONY OF NORMAN WIARD.

Norman Wiard testified—I live at the Westminster Hotel; am a practical engineer and machinist; examined the exploded boiler of engine No. 9 in the Bowery since the explosion; found that the sheet of the furnace had been ruptured; it is an upright boiler; water spaces are very narrow; it has a furnace at the bottom, with tubes running through it and passing from the tube sheet at the top of the furnace to the smoke pipe; the space occupied by water surrounding the boiler is very narrow; the rupture was at a point where there seemed to be an old fracture; the sheet forming the sides of the furnace broke away from the rivets at the bottom; the edge of the sheet was then pressed inward, towards the fire and then bent upwards so as to lap over the tube sheet at the lower end of the tubes; I can conceive from the place and manner of the rupture that the initiatory breaking of the sheet came from the contact of water, which was colder than the sheet, which cracked it; the pressure of the steam then tore up the sides of the ruptured part; think it was evident from present appearance of the boiler that the water was driven out of the water space and either fell back again to suddenly cool the sheet which was heated while the water was absorbed, or else by the starting of the pump some water of a lower temperature than the sheet was injected to cool it locally and contract it in such a manner as to start the rupture; did not consider the pressure of the steam would be sufficient to break the sheet in the manner it has been broken to produce the rupture; but after the first rupture was started the sheet might be torn off the stays, as you might tear a sheet of paper from the wall; if the pressure of the steam had been sufficient to break the boiler in any part it would have broken through the shell outside first, that part being much weaker than the part which gave way; the feed water was supplied to the boiler opposite, where the rupture started, and if it were known the pump had been started at that time I should rather think it was from the cold water; suppose the old rupture had been made by supplying cold water suddenly at some previous time; such a crack, however, would not weaken the boiler as against the pressure of steam, because the pressure would force the broken surfaces together; many parts of this boiler were weaker to resist pressure than the part which gave way—the flat surfaces of the upper head, for example; also noticed the safety valve was stuck fast; do not believe that any foresight on the part of the engineer or persons having charge of the engine could have prevented the accident happening as it did; it is very difficult for an engineer to determine how much water there is in a boiler, as all the appliances used only take cognizance of the bulk of water; when it is hot it is attenuated; it is carried with the steam through the cylinders; sometimes it is difficult to tell whether it is steam or water; this kind of boiler is more liable to give uncertainty as to the height of the water; attribute the explosion entirely to the unequal cooling of the boiler; there would be no means of determining how much water was over the place of fracture; when cool there would be forty-eight inches of water over the place of fracture; if it were all steam the cocks might indicate water; engineers frequently know that the lower gauge gives steam while the upper one yields water; it is impossible at all times to determine the water in the boiler by the gauges; the boiler, if it had been repaired, would stand two hundred and fifty pounds pressure; the leaking of steam would have no effect; those boilers ought to wear ten or twelve years, until they are rusted thin or burned; the material in the boiler seemed to be of very superior quality; an engine three years old, like this, is comparatively a new engine; the leakage would not assist in causing this accident.

TESTIMONY OF HENRY A. GILBERTSON.

Henry A. Gilbertson testified—I reside at Sixty-seventh street, near Broadway; am superintendent of the repair yard, Metropolitan Fire Department; my duty is to take charge of the shop and superintend the men; have the hose, harness, wheelwright, blacksmith, machine and paint shops to take charge of; keep them furnished with stock and make returns to the Board of Fire Commissioners and furnish them with the necessary stock and keep account of it, as well as keep the men's time and attend to all the wants and repairs of the department; do not work myself; have two examining engineers; cause fire engines out of repair to be taken in the shop and repaired; the district engineers send them to the repair shop to be repaired; do not examine them; my examining engineer is ordered by me to examine them; am not a practical engineer; am a carriage maker; have repaired engines for the Fire Department; kept a carriage manufactory; am not in that place on account of my knowledge of engines; they have engineers for that purpose; engine No. 1 I first knew of on the 14th of August last, when I first went to the yard; the engine was turned in to me because the company was put out of service; caused it to be repaired in the yard; it was a little out of order; it was put in order; kept her for the use of any company whose engine might be out of repair; the first company I gave her to was Company 33, while their apparatus was being repaired; they had her to work once at the fire of Barnum's Museum in Broadway; they worked her for thirty-six hours without stopping, and throwing two streams of water; caused her after that to be examined and repaired in every way; heard no complaints of her before; she then went out in place of engine No. 7; heard that the tubes in the centre leaked; that was after the Barnum Museum fire; don't know who made the complaint; think it was in March or April; she left then with foreman of engine No. 9; do not think she has worked since March; gave her to Company No. 9 to run while their engine was repairing in the yard; told the foreman and engineer that she was in good order, but that for a further proof to set her to work immediately, and if she was not in good order I would give him 38 engine; the engineer and foreman said the engine was in good order and that they would keep her until their engine was repaired; they said the centre tubes leaked a little; the next thing I knew of was the explosion.

TESTIMONY OF WILLIAM A. BRICKILL.

William A. Brickill testified—I reside in Forty-fourth street, near Third avenue; am a machinist and engineer; am employed by the Metropolitan Fire Department; am employed at the repair yard; know about engine No. 1; examined it after Barnum's Museum fire; the boiler and tubes were cleaned out; the engine was turned over to the repair yard; there had been no complaints about her; the engineer that ran her said that the tubes leaked; that was all; found five or seven tubes in the centre that leaked slightly; examined the boiler thoroughly and then reported her in perfect order; did nothing to her; thought the tubes might have been a little short when put in; considered them safe; by tampering with them I was afraid they might be made worse; that was only a slight defect; they generally make them tight; the shell was in perfect order; there was no extra blow-off cock to that boiler, I think; know nothing about the bent plate; have examined this since the explosion; consider that the boiler was dry and cold water was thrown in it; this was the cause of the explosion; it was the engineer's duty to keep the boilers full of water; can always tell whether there is water enough; the engineer discovers this by the cocks on the side of the boilers; if the water rises and the engineer slacks the engine he can tell; these boilers are not liable to foam; any boiler will foam if foul; these boilers generate steam very fast, and must be closely watched; did not know anything was the matter with the safety valve; the spring was all right; the stem was injured by the concussion of the engine; do not see why the engine should work irregularly unless the engineer closed or opened the throttle; did not notice any rupture of long standing; tested the apparatus between the 10th and 15th of May to test some hose; tested to one hundred and twenty pounds of steam; tested her again from forty to fifty of steam; the safety valve was all right then; the spring in the safety valve is all right even now; there was no occasion for strapping it down to hold the steam; it is not weak and has not been injured; never used to run over one hundred pounds; within one hundred pounds the steam gauge would have been safe; if the engineer watched his gauge the tying down of the valve would not affect this explosion; the indications are that the fire sheet was red hot; over the place fractured, with one cock of water there would have been twenty-four inches, and with three cocks there would have been thirty-six inches of water; it could not have been heated so much with one cock of water.

The further examination was then adjourned until one o'clock Monday afternoon, at the Sixth precinct station house.

THE FIREWORKS EXPLOSION IN BROADWAY.

Inquisition Before Coroner Keenan and Verdict of the Jury.

Coroner Keenan held an inquest at the Sixth precinct police station over the remains of Lawrence L. Lyon, the young man who was burned to death by the explosion in the fireworks establishment No. 294 Broadway on Tuesday afternoon. Several witnesses were examined, but the evidence elicited failed to show in what manner the explosion occurred.

Subjoined will be found the most important portions of the testimony and the verdict of the jury:—

TESTIMONY OF THOMAS C. LYON.

Thomas C. Lyon, residing at 232 East Forty-ninth street, being sworn, deposes and says:—Deceased was my son; about a quarter before four o'clock on Tuesday afternoon I was getting my dinner at 292 Broadway; I had previously been in the store 294 Broadway, where I am a salesman; it is a fireworks establishment, William J. Lyon & Co.; after I had been in the restaurant about five minutes I heard an explosion; I ran out and found it had occurred in my place; I had left deceased, another young son, M. Winegaro, a boy, and Mr. Horton there; the place was soon all on fire, which was extinguished in about ten minutes; I did not go to the building; I learned afterwards that deceased was removed from the building and brought to this station; I have no idea from what the explosion occurred; the first floor only contained fireworks.

TESTIMONY OF MONMOUTH LYON.

Monmouth Lyon, residing at No. 232 East Forty-ninth street, sworn, says:—Deceased was my brother; I am employed as cashier at No. 294 Broadway; yesterday afternoon, about a quarter past four o'clock, I was standing at the back part of the store talking to deceased and two other boys; Mr. Horton was in the front part of the store, standing by the desk; at about the middle of the store I noticed sparks coming from what appeared to be a flower pot; very soon afterwards I heard a noise like a large fire cracker, when I ran towards the front of the store; I reached the desk, and the next I remember I was in the street; we all ran together.

TESTIMONY OF SYLVANUS LYON.

Sylvanus Lyon, residing at Milburn, N. J., being sworn, says:—Deceased was my nephew; I am a salesman at the fireworks establishment No. 33 Cortlandt street; I know exactly what fireworks were contained in 294 Broadway; there were about six hundred boxes of fire crackers, several barrels torpedoes, miscellaneous fireworks about $300 to $600 worth—a small stock, about one-fifth the quantity allowed to be kept by law; from my experience of fireworks I should say that there was nothing there that would explode spontaneously; I was there some five minutes after the fire, and from my examination I can form no idea of the origin of the fire or of the explosion; some light might have been dropped or something from the street might have been thrown in; everything was done in the business in the most careful manner.

TESTIMONY OF JOHN SMITH.

John Smith, residing at No. 204½ Third street, being sworn, says:—I am a truck driver; yesterday afternoon, about twenty minutes past four o'clock, I was standing in front of 290 Broadway; I heard a report of fire crackers and torpedoes at about the middle of the fireworks store; I heard these reports for about ten minutes; very soon after I saw smoke and fire in the place; I had been where I was about three minutes before; when I first heard the report I saw three boys run from the store; they appeared very much excited; I looked in before that, but saw nothing but a man working at a desk about six feet from the front door; he tried to get out, but was suffocated by the smoke; I am not sure that was the one that was suffocated; I noticed two little boys go into the store about nine feet; they said they were going in to buy some fire crackers; they remained in about one or two minutes and walked out again.

One or two other witnesses were examined, but their testimony threw no new light on the cause of the explosion. The case was then submitted to the jury, who rendered the following

VERDICT.

"That Lawrence L. Lyon, the deceased, came to his death from bruises accidentally received from the explosion of fireworks at 294 Broadway, on the 23d day of June, 1868. The jury are unable to determine the cause of said explosion."

The remains of the unfortunate man were delivered over to the relatives for interment in Westchester county.

LABOR MOVEMENTS.

Adjourned Meeting of Master Masons—Interesting Proceedings—Determined Resistance to the Eight Hour Movement—All Master Mechanics Called on to Join.

Another well attended meeting of master masons and bricklayers convened yesterday afternoon at the Mechanics and Traders' Exchange Rooms, No. 51 Liberty street, Mr. John T. Connover presiding and Mr. W. H. Jackson in his place as secretary. At the suggestion of Mr. Ross the president asked all who were present to remain, especially those connected in any way with the building interest; but he hoped that none would actively participate in the proceedings, by voting or otherwise, except members of the association. After the reading and adoption of the minutes of Monday's meeting the roll was called and fully two-thirds inscribed on the list answered to their names. The first business in order was the report of the committee appointed last Monday to wait upon those master masons who continued to work their men at eight hours a day and to influence them to join in stopping. Mr. Sares, one of the committee, stated that he had called on Mr. Cron, but when he got there Mr. C. had already dismissed his workmen, having seen the owner with with whom he had contracted, and he consenting to extend the time of the contract for as long as the strike may last. Mr. Sares then sought out Mr. William Fettretch, but he also had dismissed his men and was determined to hold out against the eight hour system, join the Association of Master Masons, and pay whatever he may be assessed as his proportion. He then saw Mr. McCormick; this gentleman had but seven men at work on Tuesday, but said that he had no control over them, as he let out all the brickwork to two of his journeymen by contract, who took five more in with them; he might, perhaps, stop furnishing them materials, but did not yet know what he would do. Others, Mr. Sares said, he did not find. Mr. Ross, another member of the committee, reported that himself and his associate on the committee, Mr. Banta, called on Mr. Hull, who told him that he had a very hurried job which must be completed, but he would see what he could do. Another mason, Mr. Bogart, they saw, and he talked like a wild man; that he would go it on his own hook, that he had offered resolutions at former strike meetings which were never carried out, and so forth. Mr. Le Forge, on the other hand, at once agreed to dismiss his men when he heard what the master masons had resolved on, and it was since ascertained that Mr. Le Forge had done so and discharged his men. Mr. Banta confirmed the report of Mr. Ross, and added that Messrs. Hull and Bogart were still at work yesterday with their men at eight hours per day. Mr. Tostevin spoke of the gratification he felt that only so few of the master masons had submitted; that he had seen reports of a number of "bosses" who are said to have complied with the demands of the journeymen, but most of them were not master masons, but only "front lumpers." Several such were mentioned, and reports of this and the other master mason were referred to as having, in some more or less ingenious way, evaded resolutions lately passed, and denied, and by common assent it was made to be understood that the rule to employ none who will not work for ten hours a day at five dollars is to be strictly adhered to, and no latitudinarian construction, such as excluding bricklayers who are doing plasterers' work from its operation, is to be allowed.

Mr. Tostevin then proposed the following plan for a more perfect temporary organization:—

Resolved, That this organization be styled the Master Masons' Association.

Resolved, That it be continued under this title until our present purpose is accomplished, and that all members be invited to join the permanent organization that we may all unite under its constitution and laws.

Resolved, That J. T. Connover be re-elected permanent President, W. H. Jackson permanent Secretary, and A. J. Felter permanent Treasurer of this organization.

Resolved, That Messrs. Jackson and Felter have the power to appoint and pay an assistant in the discharge of their duties.

Resolved, That four members be appointed, who shall, with the President, Secretary and Treasurer, be an executive committee to take charge of all matters of interest connected with this association, to publish the proceedings of our meetings and call meetings when, in their opinion, the same is necessary, and that the said committee meet daily at eight P. M., at the rooms of the Master Masons, at Kilduff's, corner of Twenty-second street and Broadway, until further developments are made in the issue in which we are now engaged.

These resolutions were adopted unanimously, after an inquiry by Mr. Volk whether it was intended to disband the old permanent organization of master masons and plasterers, was negatived, it being stated that it was hoped all now joining this society would also become members of the other. A mason from Hoboken, N. J., then stated that the action here would influence their conduct, and they wished that the master bricklayers of New York would stand together and resist, and, if needed, those in Hoboken would assist with funds. It was then resolved, on motion of Mr. Tostevin, that all master masons from the vicinity of New York be made honorary members of the organization. The Executive Committee, under the above plan of organization, was announced by the chair as follows:—Messrs. Tostevin, Ross, Banta and Sares. Mr. Sares remarked that some boss bricklayers, to his certain knowledge, were apprehensive that if they were to stop longer than three days the owners would declare the contract forfeited, and give it to some one else, and to allay their fears he would offer the following:—

Resolved, That no master mason, a member of this association, will take or finish any job that has been commenced by any member of this association, and which has been stopped in consequence of the strike of the bricklayers, without the consent of the first contractor in writing.

Objection was made to the last clause, providing for the written consent of the first contractor, and an amendment moved to strike it out, which was carried and the resolution as amended then adopted. Mr. Volk arose and stated that it was well understood that the journeymen bricklayers could not hold out were they dependent on their own resources alone; but they are supported by other trades unions and by the whole National Workingmen's Union of all trades in this city and throughout the country, and that made their organization very strong. It was therefore necessary that the master masons should procure the active sympathy and support of all others connected with them in business or interest, and to invite them to associate themselves with the masons. With this object in view he offered the following:—

Resolved, That all master mechanics connected with the building business be invited to meet here on Friday next, to establish a uniform system of ten hours for a day's labor, and to confer together upon the present unjust demand made by the bricklayers.

Mr. Tostevin wished that all the different branches be named in the body of the resolution, such as brown stone, blue stone, marble and granite cutters, carpenters, cellar diggers, plumbers and the like, but no motion to amend to that effect being made the resolution was, after a lengthy speech from Mr. Ross, passed *nem. con.* In the course of his speech Mr. Ross referred to the fact that great injustice was being done by the bricklayers to the carpenters and laborers, and that the sympathy of the journeymen of the latter two branches could easily be gained if the work was rightly undertaken. Hereupon Mr. Tostevin, after stating that every town, city and village in the country was deeply concerned in their present movements, offered the following series of whereases and resolutions:—

Whereas the strike in which the bricklayers of this city are now engaged, if successful, will increase the cost of building by unequally reducing the hours of labor and the wages per day, is imposing additional tax on building interests which the times will not warrant; and whereas we consider it ruinous to our business, injurious to public good and in the end destitution and want to our men; and whereas we consider this strike as the turning point in the great labor movement that has agitated this country for several years, and that our country will be weakened by any system that reduces its productive powers as the eight hour system would reduce it; and whereas we, the master masons of the city, have, without any desire to oppress our men, refused to comply with what we consider their unjust and unnecessary demands; therefore, be it

Resolved, That we call for an expression of opinion from the men who have adorned this city with beautiful and costly buildings and whose capital is invested in real estate in this city.

Resolved, That we call for an expression of opinion from the workingman, the mechanic, the clerk and all other persons who are interested in the advance of rents.

Resolved, That we pronounce the eight hour system at present to be an injury to the country, and that it is purely a political movement, and that we pronounce the man (a politician) a public enemy who, a few days ago, asserted "that this was a matter merely of dollars and cents, that there was no principle involved, and he thought it a matter of very little account."

Resolved, That the owners for whom we are building be requested to extend the time for the completion of their buildings until the men return to their work.

Resolved, That the editors of our daily papers, who have for years been depreciating high rents, justly sympathizing with the poor of our city in the high rents they have had to pay, be called upon to express freely and fully their opinion on this important question, and if they do not join hands with us in doing what we consider a public good "that they forever after hold their peace" and allow the rents to go up and up until the "poor man shall not have where to lay his head."

And whereas the present loss that we may sustain in holding out against our men is small compared with what we shall hereafter bear; and whereas we consider the issue a matter of principle and not a matter of dollars and cents; therefore, be it

Resolved, That each being represented (being about eighty) pay the sum of not less than $100 nor more than $500, as may be determined by a committee of apportionment, appointed by this body, and that said fund be devoted to enable such men who are under forfeiture to pay the same should the owners demand its payment.

After a warm speech from Mr. Tostevin, during which he implored the press that it owed them a hearing, it was quickly discernible that the meeting was not prepared to vote upon his resolutions at once and *en bloque*. Particularly the last, about the payment of from $100 to $500 by each firm represented, appeared to be obnoxious, and nearly all wished to sleep over it and vote on it only after mature reflection. It was proposed to lay the whole series over till next meeting and have it published in the meantime, but both Mr. Tostevin and the meeting agreed to postpone only the last resolution with the "whereas" immediately preceding it, and all the others were then read and adopted *seriatim*. A Mr. Styles, from Harlem, made some inquiries, during which he declared himself totally opposed to all combinations of workingmen or so-called unions, and that they ought to be broken up. He used some very harsh expressions against the workingmen, and was seconded only by one man, who, however, was quickly put down, as not belonging to the association, and the whole meeting declared such language improper and contrary to their sentiments, since they had none but the kindest feelings towards their employés. When this short squall had blown over, Mr. Tostevin moved the following:—

Resolved, The master masons, knowing that there are many men who are willing to return to their work of ten hours per day, to such men we say that when they shall return to their work we shall guarantee them protection.

This was unanimously adopted, and then the meeting adjourned to convene again, jointly with other master mechanics, at the same place, on Friday, at two P. M.

A Journeyman's Reply to the Master Masons.

NEW YORK, June 24, 1868.

TO THE EDITOR OF THE HERALD:—

I read the grievances referred to by the boss masons of New York in their card to the public of this date. They state in reference to the advance of wages since 1862 that on the 1st of June, by the action of the unions, the rate was raised from $4 50 to $5 per day. This is true, but it is the only time the Union demanded an advance of wages, unless the majority of its members were already receiving it. With regard to the statement of the number of bricks laid by a journeyman, it brings us directly to the apprentice system. Formerly, a boss having a summer's work employed as many boys as he thought proper, and as cheap as he could get them, in the spring, and discharged them in the fall. If those men or boys demand journeymen's wages next season, and property owners are obliged by necessity to pay it, who is to blame for this fraud on the public but the bosses? It is to avoid placing incompetent hands in the market that we have adopted the stringent apprentice system of which the bosses complain. In regard to not allowing bosses to work on their own jobs, it is a well known fact that scarcely one of those who crave for the boon would soil their hands with work. Those bosses who do work are satisfied that eight hours is sufficient to work under a hot sun, notwithstanding the theoretical bosses are offering $5 50 and $6 per day for ten hours' work.

M. J. DALY, 294 First avenue, New York.

New York House Framers' Society.

The house framers of New York, who number about three thousand, have never had a regular organization, and as one of the results of non-union the highest wages now paid for ten hours is from $3 to $4 per day.

With a view of forming a union the framers met at Bergen Hall, Thirty-second street, on last Saturday evening, to the number of four hundred, but owing, as they assert, to the plots of the bosses the meeting was a failure.

Last night they again assembled at the same place, when an organization was effected and over a hundred members enrolled their names. A committee—August Engler, Fred. Lutz, Conrad Gerich, George Meitchler, John Abhauer, Valentine Schaffer and Frantz Rüth—was appointed to draft a constitution. The following officers were elected:—President, J. L. Cramer; Vice President, Frederic Lutz; Secretary, Frantz Rüth; Recording Secretary, August Engler; Treasurer, George Meitchler; Trustees, John Steiner, Jacob Heisler and Henry Kessler. The meeting was a very orderly and enthusiastic one.

United Cabinetmakers.

The United Cabinetmakers' Society held a mass meeting last Tuesday night, June 23, and resolved to assist by all the means in their power the efforts of the Bricklayers' Association in their strike for the eight hour system. The society numbers nearly three thousand members.

WAR ON LOTTERY DEALERS.

Three of Them Arrested and Held to Bail—Sixteen Complaints.

On Monday last Mr. Adam Roedeger, residing at No. 540 West Forty-seventh street, appeared before Justice Dowling, at the Tombs, and made a complaint against Peter and John McIntyre, Charles McBrien (ex-Alderman), James McGill, John C. France and James Smith, whom he charged with violating the lottery laws of this State, in consequence of which he (Roedeger) has been defrauded out of a large amount of money. The magistrate issued a warrant against the parties complained of, and yesterday afternoon officers Palmer and McArthur, of the Tombs Police Court squad, arrested the two McIntyres and McGill and took them to court, where ex-Judge Stuart, counsel for the complainant, appeared with no less than fifteen other similar complaints against the accused parties. McBrien, France and Smith could not be found, and it was stated that they were absent from the State and may not soon return. Judge Stuart said the defendants had defrauded his client out of $20,000 within the last three years; that he (Stuart) has hundreds of policy tickets ranging in amounts from $1 to $20; that they keep and back the books of fifty or sixty policy offices in this city, and thus swindle foolish dupes out of tens of thousands of dollars daily; that they are the managers of the Shelby College Lottery in Kentucky, a fraudulent concern, created on purpose to furnish numbers upon which to issue policy tickets in this city. Below will be found a copy of one of the affidavits against the defendants:—

City and County of New York, ss.—Adam Roedeger, of 540 West Forty-seventh street, being duly sworn, deposes and says that Peter McIntyre, John McIntyre and Jas. McGill have for a long time heretofore and do now keep and have kept and are now keepers of an office for the distribution and sale of lottery tickets and lottery policy tickets and policy slips on the northeast corner of Chatham and Pearl streets, in the city of New York; and this deponent says that the said Peter McIntyre, John McIntyre and James McGill did, on the 1st day of January, 1867, and at divers times since, in the city and at the office aforesaid, for the consideration of certain several sums of lawful money, sell and deliver to this deponent a large number of such lottery policy tickets and policy slips, one of which is hereto annexed, which said tickets and slips contained certain numbers in different combinations and intended to express the numbers to be drawn from a certain lottery, upon the chance and hazard drawing of which depended the gain and loss of specified prizes of money, all which was and is in violation of the statutes of this State; this deponent further says that he is informed and believes that the said John McIntyre, Peter McIntyre, Charles McBrien, Wm. C. France and James Smith are engaged extensively in selling and backing policies of numbers decided by the drawing of a lottery known as the "Shelby College Lottery," of Kentucky, a publication of which is annexed, cut from one of the daily papers published in this city of above date, which this deponent is informed and believes is secretly and fraudulently drawn contrary to the law of this State; this deponent further says that the said McIntyres, McBrien, McGill, France and Smith, with others to this deponent unknown, are reported managers of said Shelby College Lottery, and are extensively engaged in selling and backing numbers decided by the drawing of the said Shelby College Lottery at No. 272 Bowery in this city, in violation of the laws of this State; this deponent prays that the above defendants be arrested and dealt with as the law directs.

The prisoners were held to bail in the sum of $2,000 each to await the result of an examination. It is proposed not to have a hearing in the case until vigilant efforts are made to secure the other parties embraced in the warrant of arrest. In consequence of these criminal proceedings quite a sensation was created among the lottery policy dealers of the city to whom the arrests had become known.

EXHIBITION OF A NEW ORGAN.

A very large and fashionable audience assembled last evening at the Church of the Messiah, corner of Thirty-fourth street and Park avenue, to witness the ceremony of the opening of the new organ. The programme was as follows:—Extempore voluntary by Mr. Howe; introduction and variations on the Russian national melody, C. G. Verrender, by Mr. Browne; prelude and fugue in E flat, Bach, by Mr. Morgan; larghetto, from the Second symphony, Beethoven, by Mr. Browne; Hallelujah Chorus, from "The Messiah," Handel, by Mr. Howe; "The Monastery Bell," arranged for the organ by H. E. Browne; from "The Creation, (*a*) The Marvellous Works; (*b*) With Verdure Clad; (*c*) The Heavens are Telling; Haydn, by Mr. Howe; andante, Hummel, by Mr. Browne; sonata in A minor, A. G. Ritter, by Mr. Morgan; overture, "William Tell," Rossini, by Mr. Browne. These performances were well received by the audience and displayed to good advantage the merits of the organ, the tones of which, though not very powerful, are clear and full. It seems that this instrument has some peculiar improvements, among which are the "reversible couplers," acted on by a knob in front of the key slips of the manuals; a series of knobs called composition knobs arranged at equal distances between the manuals, and also a self-acting crescendo and diminuendo pedal.

WESTCHESTER INTELLIGENCE.

TRIAL ON A CHARGE OF MURDER.—A special term of the Court of Oyer and Terminer for Westchester county was held at White Plains yesterday for the trial of Michael J. Canta and Charles Burke, accessories of Thomas Fitzgerald in the killing of Miss Ellen Hicks, in the town of Westchester, on the morning of the 2d of August, 1866. The parties were soldiers of the regular army of the United States, stationed at Fort Schuyler. On the night of August 1 they had had a difficulty with one Alexander Elliot. After the difficulty they went to the fort and returned in an ambulance, being re-enforced, and on returning they surrounded the house, in search of Elliot. Failing to find Elliot, Fitzgerald deliberately raised his musket and shot Miss Hicks. After the shooting the soldiers all fled, but were arrested in the morning. A jury was selected from twenty-two jurors called. The prosecution closed its testimony by five o'clock. Benjamin Bailey, without introducing any witnesses, then commenced to sum up the case to the jury, and in an able and eloquent appeal, occupying about half an hour, presented the cause of his clients to them. After a recess for supper the District Attorney, John S. Bates, summed up the case to the jury for the prosecution. The Court then, in a few and pertinent remarks about the law and the testimony, gave the case to the jury.