NEW YORK CITY.

THE COURTS.

UNITED STATES DISTRICT COURT.

The Watson & Crary Distillery Case—Close of Argument by Counsel—The Case to be Given to the Jury This Morning.

Before Judge Blatchford.

The United States vs. The Rectifying Distillery 171, 173 and 175 Christopher Street.—The trial of this case, which stood adjourned from Friday evening to Monday morning, but was further adjourned to yesterday morning in consequence of the death of Judge Robertson, of the Superior Court, was resumed. There was a large attendance of interested spectators in court, who remained throughout the day.

ADDRESS OF COUNSEL.

Mr. Henry L. Clinton, one of the counsel for the defence, proceeded to address the jury on behalf of the claimants. He reviewed at very great length the testimony given by the various witnesses for the prosecution, characterizing the motives and the manner of giving that testimony in very severe language and denunciatory of the parties individually. He pressed upon the attention of the jury the salient points of that testimony, pointing out what he claimed to be inaccuracies, discrepancies in that of each of the witnesses in their direct and cross-examinations and the contradictions therein when contrasted with the testimony of other witnesses on the same points, though testifying on the same side. He asked the jury to scan the evidence and to ask themselves why these superhuman efforts, made at all hazards, to convict these men of fraud, not on the ground that fraud had been actually committed, but through the ten thousand technicalities that exist all over the statute. On these technicalities the government officials here seek to impale the defendants. These gentlemen have not only been proven not guilty of fraud upon the testimony of the witnesses, but they have been proved to be entirely free from fraud. It may be alleged against us that the defence has not put forward either Mr. Watson or Mr. Crary, the principals in the case. The reason of this was to be seen in the simple fact that Mr. Watson very rarely went to the place and that Mr. Crary merely stopped there for a few moments of a morning on his way to his office down town to take up the papers and documents of the previous day's business. Neither of the claimants, therefore, could give any evidence of importance in the case, and therefore they had to depend upon the disinterested testimony of the persons in their employ, and who were on the premises all the time and knew everything of the business transacted there. If the defence had put forward Mr. Watson or Mr. Crary the District Attorney would call upon you, gentlemen, to discard their testimony as interested parties, and therefore it is that we have been anxious to submit this case to you altogether on its merits.

Mr. Clinton, at the close of his address, which occupied over three hours in delivery, said:—I appeal to you, gentlemen, to do justice to these claimants. I appeal to you to render a verdict in accordance with the law and with the facts of the case. I know that the prosecution have every advantage, because they can last address the jury. The prosecution may pervert the testimony—may present it unfairly—may present portions of it here and there, disjointed, detached, and thus strive to leave a false impression on your minds. I ask you, gentlemen, if you ever tried a case pursued with such pertinacity on the part of the prosecution—a case which I am confident must result in the triumphant vindication of the parties sought to be charged with a culpable, if not a criminal, offence? This is one of those cases in which any of you, gentlemen, or any person, is liable to be stricken down—or assailed, at least—as these claimants are assailed and sought to be stricken down. I ask you to say, gentlemen, whether these men shall be stricken down or not, their character destroyed and sacrificed, not because they committed an error, but because Congress so worded a statute that it is susceptible of every different construction that may be put upon it, and can be brought to punish even the very men who have been most honestly determined to abide by the law in all its provisions? Will you punish these men for vigilance in observance of the law and for exercising every precaution to avoid its slightest infraction? If they are stricken down it will be because they have been vigilant, prompt and anxious to fulfil all the requirements of the law. If striken down it will not be because they have violated any law, but they shall be made the victims of the miserable technicalities of the law, owing to the blunders of Congress in framing the statute. I ask you, therefore, so far as the merits of this case are concerned, and so far as it shall be left to your decision by the rulings of the Court, I ask you to vindicate triumphantly these parties because they are right. I ask you if they were guilty of any intention of fraud in this matter would they have come boldly before a jury and courted and demanded a legal investigation before a court and jury of their fellow citizens? If they had been guilty of any dereliction of duty, technically or otherwise, would they be willing to defend the case as they have defended it and challenge the government to the issue here attempted—of fixing fraud upon them? Would they not rather have yielded to the prosecution? Did they look like dishonest men? Could you, from all the evidence adduced on the part of the prosecution, put your finger upon anything they have done derogatory to honest, upright, honorable, business men? You, gentlemen, are all strangers to me, and it is not proper that I should say anything outside of the case; but after you have rendered your verdict and gone out from this court, and mingled with your fellow citizens, I ask you to go among the merchants and the business men, mixing in the honorable circles of business, and ask of these men, who are Watson & Crary, and do they believe that they could be guilty of the charge here alleged against them? But I appeal now to no outside considerations: I keep myself strictly within the limits of my professional duties, and having no feeling but to discharge my duties to my clients with fidelity and with all the ability I may be possessed withal. I have not assailed any one through the officers of the government. I have commented severely on the testimony, because I would be recreant to my duty and to my oath did I fail to have commented on that testimony as it deserved. I ask you, gentlemen, to look at this case in all its bearings. These men have fought this thing because they threw themselves upon their country, submitting their cause to an intelligent and upright jury. Having nothing to fear they were willing that the government should produce all the evidence bearing on the case. They have gone through the ordeal successfully, and I ask you on the rendition of your verdict to do them justice, as you cannot do otherwise, without, as I respectfully submit, running counter to the law, and counter to the principles of equity and justice. I ask you to render promptly and immediately a verdict for these claimants.

Mr. Courtney, United States District Attorney, in his opening remarks, vindicated the character of the witnesses for the prosecution, which, he said, had been wantonly and vindictively attacked by the counsel who had just addressed the Court and jury. This was, however, an alternative that prosecuting witnesses, who come forward in discharge of official and public duties and in conformity with their oaths of office, always have to submit to. The question with the jury would be whether or not this property—171, 173 and 175 Christopher street—is liable to condemnation, because certain articles and property found on these premises, which were subject to tax, were there without having paid such tax, and held there with intent to evade the payment of the tax. This was the only question to be disposed of by the jury. It was not because the property was claimed by Watson & Crary—that had nothing to do with the case. The onus or burden of proof is upon those parties to show that the tax was paid upon these spirits, which led to the prosecution in this case, and which were found in other than a bonded warehouse. The jury was bound, counsel contended, to render a verdict for the prosecution, because under the forty-fifth section—the section under which these spirits were seized, being on premises other than a bonded warehouse—the burden of proof lies with the claimants to show that the tax was paid.

Counsel then proceeded to review the more important points of the testimony, submitting them *seriatim* in the light of the prosecution to the jury and commenting on the evidence as he went along, taking the witnesses in the order of the significance and importance of their testimony. Counsel commented on the absence of the claimants as witnesses, when, he claimed, their testimony must have explained the exact state of the case to the jury. Their absence from the witness stand must certainly operate on the minds of the jury against them. The law on this point, counsel said, was that when a party is supposed to have testimony which may explain the exact state of the case and withholds it the court and jury are at liberty to presume it would have, if produced, operated unfavorably to his case. This was the law, and the judge must be guided by it. The case, gentlemen, continued the counsel, is a most important one—one in which the jury were clothed with great and serious responsibilities. It is one of that numerous class of cases, some of which have been presented to courts and juries every day for the last three or four years. You are to determine whether the revenues of the country can be collected; whether men can wilfully and deliberately cheat the government and cannot be made to refund that which they have cheated the government of; you must determine whether the tax shall or shall not be paid, whether frauds shall not run rampant in our midst. It depends upon you whether the financial credit of the country shall be ruined; whether that system under which we have continued since the war broke out up to the present time must eventually end in destruction, not only to individual property, but in the destruction of the institutions of the country themselves. You are to say whether these robberies shall be allowed to continue or whether you shall lay the strong hand of your condemnation upon men who conspire to ruin the country and who succeed in impoverishing you while enriching themselves.

At the close of counsel's address the court adjourned till this morning.

SUPREME COURT—SPECIAL TERM.

The Roosevelt Will Case Again—Suit to Set Aside the Bequests.

Before Judge Ingraham.

Charles D. Burrill, Executor of James C. Roosevelt Brown, deceased, vs. Julia A. Boardman, Executrix of James H. Roosevelt, deceased, The Roosevelt Hospital and Others.—This old matter came before this court yesterday in a new form. It will be remembered that in 1863 James H. Roosevelt died in this city leaving a will by which Julia A. Boardman was made his executrix, and appointing the defendants, including the New York Hospital, the College of Physicians and Surgeons, the New York Eye Infirmary, the Demilt Dispensary and the New York Institution for the Blind residuary legatees in trust, and leaving all his real estate, subject to certain annuities, to his executors in trust, to be applied to the use of his nephew, James C. Roosevelt Brown, for his life only, or at his death to his lawful issue if any, and if none, then to sell the same and pay the proceeds thereof to his residuary legatees in trust toward the endowment of a hospital for the sick and diseased. The greater part of his personal property he devised solely to the institutions above named, with the exception of about $100,000.

The personal property alone is claimed to amount to about $500,000. The testator also directed his trustees promptly to apply to the Legislature of this State for proper acts to incorporate, secure and perpetuate said hospital. In January, 1864, James C. Roosevelt Brown died, leaving no issue or next of kin and appointing this plaintiff his executor. In February, 1864, one month after his death, an act was passed by the Legislature of this State incorporating the Roosevelt Hospital.

This suit is brought to set aside the trust on the ground that the trustees are not parties who can hold the property, the devise being void by reason of the uncertainty of the beneficiaries who may or may not be all the sick and diseased persons in the world, and further, that the gift is made to nine persons, in their official capacities, and their successors in perpetuity, and indefinitely suspends the power of alienation of the real estate and ownership of the personal property; that this suspension is made for a period not depending upon the life of two persons in being; and lastly, that under the statutes of this State a devise for the purpose of creating a corporation or for the benefit of a corporation not having at the time any existance, is void. The case came up to-day for trial before this court, but counsel, at the close of his opening address, requested an adjournment until to-morrow in consequence of the atmosphere of the apartment being impregnated with gas to such an extent as to be almost intolerable.

UNITED STATES COMMISSIONERS' COURT.

Alleged Issuing of a Fraudulent Bond.

Before Commissioner Osborn.

United States vs. Julian Knoppf.—The defendant was charged with causing and procuring to be made and issued a certain false and fraudulent bond for the purpose of carrying on business without paying the internal revenue tax. The case has been on for several days through postponements and adjournments moved for on behalf of the defendant. Yesterday morning counsel appeared and waived an examination, and the defendant was committed for trial in default of $5,000 bail.

The defendant was then brought up for examination on a charge of conspiring to defraud the United States out of the tax on tobacco, he carrying on the business of a tobacco dealer. The defendant in this case gave bail in $3,000 to appear for examination on Monday next.

Alleged Running Off With a Schooner.

The United States vs. Jacob Lawson and —— Burrill.—The defendants are charged with obstructing and impeding public justice by running off with the schooner A. F. Thompson while she was held under attachment by a process issued from the United States District Court. The particulars of the case have been fully reported in the HERALD. The government not being prepared to go on with an examination the case stands adjourned till Tuesday next.

SUPREME COURT—CHAMBERS.

The Erie Rumpus—Another Order.

Before Judge Cardozo.

Belmont vs. The Erie Railway Company et al.—Yesterday this Court granted an order, on plaintiff's application, appointing Gratz Nathan referee, to take the compulsory examination of Alexander S. Diven, the testimony to be used on the motions now pending.

COURT OF OYER AND TERMINER.

The Murder of Officer McChesney—"Fanny Wright" Sent to the Penitentiary for One Year.

Before Judge Sutherland.

The People, &c., vs. Margaret Welsh.—Margaret Welsh, alias Fanny Wright, who killed officer Robert McChesney, on the night of October 19, 1867, at the corner of Canal and Mercer streets, by stabbing him in the neck with a penknife, was brought before this court for trial. It will be remembered that she was tried last spring and convicted and sentenced to imprisonment for life. An appeal was taken by her counsel, John D. Townsend, from the judgment on a writ of error and a new trial ordered. She had at that time commenced the execution of her sentence at Sing Sing. Yesterday she entered a plea of guilty of manslaughter in the fourth degree. The Court accepted the plea and sentenced her to imprisonment for one year in the Penitentiary.

COURT OF COMMON PLEAS.

Trade Marks Litigation.

Before Judge Barrett.

Town vs. Stetson and Others.—This is a fishy case, involving the well known law of trade marks. The plaintiff claims that he discovered in July last a new mode of preparing salt codfish by depriving it of moisture and rendering it in a fleecy state suitable for use in any climate after any length of time; that he had called this new preparation "Desiccated Codfish;" that it was known by such name in the market and by the public generally; that he had built up a large business in his commodity, and that he was the first to compound the words "Desiccated-Cod-Fish" and to introduce an article under that name in the market. He alleged that the defendants within the last few weeks had introduced into the market and were selling large quantities of an inferior preparation and were selling the same under the name of "Desiccated Codfish," to his great detriment. The plaintiff procured an injunction restraining the defendants from using the words "Desiccated Codfish," and the defendants now moved to discharge the same upon the ground that there could be no trade mark or right of property in words in common use, and, therefore, that the defendants had the same right to use the name as the plaintiff. The Court reserved its decision. Edward Gilbert for defendants; O. H. Stewart and C. A. Seward for plaintiff.

SURROGATE'S COURT.

The Patalio Estate—Proceedings Before Surrogate Tucker—Conflict of Authority.

During the early part of the present month the matter of the estate of the late David Patalio, who died intestate, came up in its regular order on the calendar of the Surrogate's Court. Previous to that time the case had been taken into the Supreme Court on a motion by the Public Administrator for a peremptory mandamus to issue, directing the Surrogate to grant letters of administration on the estate to the Public Administrator. The motion was argued before Judge Cardozo, at Chambers. The motion was not decided at the time, and pending the decision of Judge Cardozo, the matter on the Surrogate's calendar was postponed until the January term of this court.

Yesterday morning the writ of peremptory mandamus was issued and served on the Surrogate and at the same time a petition was received by the Surrogate from Helen P. S. Mitchell, asking that letters of administration be granted her. In regard to the matter Surrogate Tucker addressing those present said:—

I am now served with a peremptory mandamus from the Supreme Court commanding me forthwith to issue letters of administration on the goods, chattels and credits of this intestate to the public administrator. Simultaneously with the service of this writ the petition of Helen P. S. Mitchell, asking for administration to be granted to her, has been presented and filed with the Surrogate. This petitioner sets forth that she is a resident of this city and is a niece of the intestate; that the intestate left him surviving two nephews and this petitioner, his niece as aforesaid, and also left descendants of two other nieces, who are deceased, and that these are the only next of kin. This petitioner also presents and files a written renunciation of the administration, executed by the said two nephews, by their attorney in fact, and duly proven. They are non-resident aliens, however, and this renunciation was scarcely needed to strengthen her case. It is very apparent, therefore, that the Surrogate must either disregard the Supreme Court's writ of mandamus or disregard the Revised Statutes. The Revised Statutes (sec. 27, art. 2, title 2, chap. 6, part 2) as amended by the act of 1867 (session laws, chap. 782, page 1,927) provides as follows:—"Administration in case of intestacy shall be granted to the relatives of the deceased who would be entitled to succeed to his personal estate if they or any of them will accept the same, in the following order:—First, to his widow; second, to his children; third, to the father; fourth, to the mother; fifth, to the brothers; sixth, to the sisters; seventh, to the grandchildren; eighth, to any other next of kin, who would be entitled to share in the distribution of the estate. In the city of New York the Public Administrator shall have preference, after the next of kin, over creditors and all other persons." Now it is unquestionable that this niece is entitled to the administration, and that the Public Administrator, in presence of her application, has no standing whatever in court. Am I precluded from obeying the law and granting letters to her by this mandamus by which I am commanded to grant them to the Public Administrator? In answer to this I may remark that it can be safely assumed the Supreme Court would never have issued its writ—at least would never have made it peremptory—had it known what the Surrogate knew of this case, which was immediately before him. It certainly would not have placed itself in the attitude of insisting upon the bestowal of these letters upon the Public Administrator, had it been advised that there were representatives of the family of the deceased in this city, intending to apply for letters as soon as practicable. Had it been so advised, I do not doubt it would have concurred with the Surrogate that the policy of one law is not to entrust private property to the care of public officers and strangers, where there are those who are able and desirous to take charge of their own affairs. The mandamus before me has been issued without the suspicion that any kin had been discovered. Information of this nature indeed would not be likely to reach Judges of the Supreme Court as soon as it would reach a Surrogate, whose special and constant business it is to oversee and direct the care of estates and familiarize himself with the affairs of deceased persons. In fact, the Supreme Court in this matter has, of course, acted solely on the relation and representation of the Public Administrator, and that functionary, who is a litigant before me in this matter, naturally took no especial pains to find the next of kin or to inform the court of their existence. Had the Supreme Court possessed the Surrogate's information, it would scarcely have endeavored to assume the Surrogate's duties by ordering letters of administration to be issued, and it would not, of course, have assumed the position of commanding the Surrogate under its solemn seal, and with this potential writ, which now lies before me, to ignore the plain provisions of the law. There is no alternative for me but to obey the statute at the risk of appearing to treat the writ with disrespect. Letters of administration must be granted and issue to Helen P. S. Mitchell, niece and next of kin of the intestate, and not to the public administrator. The mandamus will be filed with this order in the Surrogate's office.

R. D. Livingstone for the Public Administrator; B. Galbraith for the petitioner, Mrs. Mitchell.

COURT OF GENERAL SESSIONS.

Before Judge Russel.

The Theatrical Diamond Case—Acquittal of the Accused—A Case of Arson.

The trial of George F. Hemming, charged with stealing a set of diamond earrings from Mrs. Bevins, was concluded yesterday.

Mr. Barnard, the pawnbroker, produced his book, which showed that on the 17th of November Hemming pawned a watch and chain, upon which he received fifty dollars. It was admitted that this watch belonged to Mrs. Bevins, and it was pledged nearly a month subsequent to the alleged larceny.

Mrs. Bevins was recalled by the Assistant District Attorney to correct her testimony of yesterday. It was on the 20th of October that her little girl told her that the earrings were taken.

Dr. Kennedy was called and said that about the 20th of October he commenced to visit Mrs. Bevins, at No. 59 East Fourth street, a number of times, and upon two occasions he saw Hemming in the same room. Mr. Howe said he had subpœnaed other witnesses who failed to arrive, but he was satisfied that the jury were convinced that he had shown the intimacy that had existed between Mrs. Bevins and the defendant. He then commented in scathing and eloquent terms upon the testimony of Mrs. Bevins, and after an impartial charge by the Court the jury rendered a verdict of not guilty.

Joseph Roll was jointly indicted with Frederick Baden, charged with arson in the first degree. The prisoner was a young German, and, not having counsel, the Court assigned Judge Stuart to defend him. Three witnesses for the prosecution testified that about midnight on the 26th of November the lager beer saloon at the corner of Fiftieth street and Ninth avenue was fired, and officer McLoughlin detailed a confession made by the accused, who said that Baden offered to give him $200 to set fire to the place. The prisoner bought three quarts of kerosene oil, and after saturating kindling wood and the counter with it, lit a match, locked the door and returned to a ball which he went to early in the evening with Baden. During the process of the trial Judge Stuart had a number of interviews with the prisoner and endeavored to induce him to plead guilty to a minor degree of arson. At last he succeeded in getting the prisoner to plead guilty to arson in the third degree. He was remanded for sentence till the trial of the other man takes place.

COURT OF SPECIAL SESSIONS.

Darkies in Trouble—Battle of Amazons.

Before Judges Dowling and Kelly.

There was quite a heavy calendar at the Tombs Special Sessions yesterday, and an unusually large audience of criminals and witnesses kept the officials of the court busy from the opening until adjournment. A large deputation of citizens of every shade and of both sexes occupied seats in the court, while the lock-up on the left of the bench glistened with the ivories of gentlemen of color, who seemed to regard the proceedings as a big joke on the part of the white folks.

WHAT A GLASS OF LAGER DID.

Mrs. Eliza Thompson, a very old woman, accused Catharine Feeney, a little girl, of stealing $18 75 from her pocketbook, but it having transpired that the old lady was so fuddled with beer on the night of the robbery of her wallet that she might as well have swallowed the greenbacks in her lager, and no witness being present to testify against Catharine, the case was very much mixed. There was quite a host of determined-looking female witnesses for the defendant.

Mrs. Margaret Dunn being called upon for her story, jumped nimbly into the witness box, and eyeing the Judge from underneath a headdress which was a cross between a porkpie hat and a saucepan, thus began:—

"We war sittin', me an' Mrs. Thompson, in the room, an', ses she, 'Mrs. Dunn,' ses she, 'Will ye ate a piece of cake?' ses she; and ses I, 'I will, an' a glass of beer, if it is convanient,' says I. With that she out with the lager and we drank a glass av it."

Judge Kelly (interrupting)—A glass, Mrs. Dunn! Didn't you get drunk with the old woman?

"Get drunk, is it? Oh, mercy me! mercy me! hear till him, will ye?" and Mrs. Dunn threw up her hands in astonishment and indignation at the slanderous suggestion.

"Me, indeed!" said Mrs. Dunn, confidentially, to the clerk before leaving the stand at the close of her lucid explanation of the tremendous domestic event recorded, "Me, indeed! oh, no!"

Kate was told to go home and avoid the cantankerous old party for the future.

THREE GENTLEMEN OF COLOR.

James Johnson, John Martin and George Williams—yellow, brown and black respectively—were requested to approach the stand by Mr. Rosenthal, who entertained the idea that an overcoat which he valued at "much monies" disappeared during the visit of these gentlemen to his establishment. The expression on the shining faces of the much injured and, of course, innocent darkies was such as to lead an observer to expect them to begin singing, *à la* Bryants' Minstrels, the touching hymn:—

> There was three crows sat on a tree,
> As black as any crows could be.

They began to realize a due sense of their position, however, when, in the course of the evidence, slight inconsistencies in their conduct on the occasion referred to by Mr. Rosenthal began to be developed. The Judge put on an official frown and matters looked serious. A dark cloud of witnesses appeared in the background ready for the defence, but Judge Kelly could not see that the charge was sustained by the complainant and their services were not required. The three innocents were pronounced not guilty of taking that particular coat, and prepared to depart. Another complainant, however, presented himself, who thought that the colored gentlemen had helped themselves to two of his coats, and there was consequently more swearing, explanations and a sort of indignant denial from the darkest darkey of the three. The fact was proved that certain colored gentlemen walked off with the coats in question, but it was not so clear that the prisoners were the parties. They were consequently told to go, which they did without waiting to fix the order of their going, Mr. Johnson kicking up his heels like a festive buck before retiring.

DOMESTIC FELICITY.

Mrs. Kane appeared as complainant against her husband, who beat her regularly every time he got drunk, and he got drunk regularly every week. She seemed to be sorry for having made the complaint against the man, and begged hard for his release.

"This is Christmas time, your Honor, and so let him off this time," pleaded the poor woman.

Judge Kelly—If he beats you every time he gets drunk and gets drunk weekly he'll surely beat you on Christmas Day, so I'll enable you to enjoy a quiet time on Christmas. Your husband goes to prison for ten days.

Kane was accordingly marched off to the regions below to beat his own breast, in the absence of his better half, until after the holidays.

A FREE FIGHT.

Margaret Snow, a miserable female, whose head was wrapped with an infinity of shawls, and who had lost in a recent engagement the larboard side of her chignon and was otherwise badly damaged, appeared to complain against Mary Coffee, Ellen M. Wallace and Mary Duffy, three determined-looking but well-dressed women. It appeared that Mrs. Snow was overcome by a "powerful weakness," which, singular to say, had the effect of making her preternaturally strong and warlike, and Mrs. Wallace's sister-in-law (who was in this case as mythical as Mrs. Harris, of refreshing memory, never appearing, although frequently alluded to by witness), Mary Coffee, and the ladies Wallace and Duffy got nervous and excited in consequence and to steady their nerves went for consolation to a convenient cupboard. A misunderstanding naturally arose in the course of conversation and it appeared that a decided difference of opinion existed in the minds of the ladies as to Mrs. Snow's moral character and general worthiness. Henceforth, innuendos, cuts, blows and handsful of hair.

Mrs. Finnigan, who may be a relict of old Finnigan, whose tragic death, wake and wonderful resurrection are celebrated in song, appeared promptly to the call of the Court.

"What do you know about this affair, Mrs. Finnigan?" asked the Judge.

"What do I know about it, is it? Why, we were in the room and we was a talking, and so I know nothing about it at all at all; for Mrs. Wallace's sister-in-law, as is married to the man that kem ther two years ago last Michaelmas, and we wor convarsin'; when Mrs. So and So ups and tells Mrs. Snow that she's not Mrs. Wallace and calls her a great lot of bad names, and there was a big ruction, an' hair flew and ——" they cinched and bate her into her own front hare.

Mrs. Finnigan would, doubtless, have continued, without stop or pause of any sort, to recount her impressions of the battle had not Judge Kelly, aghast at the flood of talk poured in upon him, ordered her peremptorily to shut up.

"Arrah, won't you hear me out?" exclaimed Mrs. Finnigan; "I went and tould her husband that his wife was kilt."

"That will do," said the Judge.

Other witnesses were called to prove the assault, and Mrs. Coffee, the leader of the storming party, was fined five dollars, and the other two Amazons two dollars each.

A case of assault on a policeman, which turned out to be a shooting of a citizen by officer Barbalet, of the Twenty-eighth precinct, on very slight provocation, and some light cases of larceny being disposed of the court adjourned.

COURT CALENDAR—THIS DAY.

SUPREME COURT—SPECIAL TERM.—Nos. 159, 213, 215, 216, 217, 144½, 224, 225, 226, 226½, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236.

SUPREME COURT—CHAMBERS.—Nos. 7, 15, 32, 51, 54, 55, 65, 83, 91, 98, 100, 101, 102, 106, 112, 113, 115, 116, 117, 122½, 125, 128, 133, 143, 144, 148, 149, 152, 157, 161, 165. Call 173.

COMMON PLEAS—TRIAL TERM.—Part 1—Nos. 789, 1483, 1549, 1194, 1377, 1439, 1346, 1282, 796, 1555, 1558, 1559, 1561, 1563, 1569. Part 2—Nos. 431, 1488, 857, 858, 715, 1305, 1535, 1528, 1511, 884, 1570, 1571, 1572, 1573, 1574.

MARINE COURT—TRIAL TERM.—Nos. 1149, 1044, 1090, 1094, 1127, 1156½, 813, 930, 1039, 1043, 1054, 1093, 1150, 1161, 1162, 1163.

CITY INTELLIGENCE.

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

3 A. M.	34	3 P. M.	39
6 A. M.	34	6 P. M.	36
9 A. M.	35	9 P. M.	36
12 M.	39	12 P. M.	35

Average temperature.......... 36
Average temperature Monday.......... 40

ENTERTAINMENT TO THE MAYOR ELECT.—Mr. Augustus Brown gave an entertainment last evening at his residence in Fifth avenue to the Mayor elect, A. Oakey Hall.

THE "RUGGLES GEMS."—The sale of the "Ruggles Gems" will take place this evening at the Leeds Art Gallery, Broadway, and not at Miner & Barker's Gallery, as published in yesterday's papers.

TRUCK DRIVER HURT.—Patrick Mahon, a truck driver, Monday evening came in contact with a stage with his vehicle and was slightly hurt. He was taken home.

FELL FROM A CAR.—Adrian James, seventy years of age, fell yesterday from a Third avenue car, near Ninetieth street, and was slightly cut upon the head. He was conveyed to his home in East Morrisania.

WRECK OF THE SCOTLAND.—The bow of this wreck was successfully blown up yesterday by the Neptune Submarine Company, under the supervision of General Hayes. No part of the wreck except the stern post is now visible above water.

SERENADE.—Professor Morales, of the College of the City of New York, was serenaded by the students of the higher classes on Thursday evening last, at his residence in Fifty-third street. After a fine serenade the Professor made a short speech thanking the students, after which they quietly dispersed.

MYSTERIOUS CUTTING.—About one o'clock yesterday morning George Whiffen, a sailor, forty years of age, while standing in front of No. 95 James street, was attacked by an unknown man, to whom he had not given the slightest provocation, and was so severely cut upon the chin that he was taken to the Fourth precinct station house, where his wound was dressed. The assailant escaped.

ABANDONED PROPERTY.—At a late hour Monday evening detective Connor, of the Seventh precinct, found two bales of ground dyewood lying in South street without a claimant. It was presumed that the bales were stolen property abandoned by the thieves from fright, and they were removed to the Madison street station house to await the appearance of the owner.

INJURED BY FALLING BEAMS.—About ten o'clock yesterday morning Patrick Brady, of No. 214 West Twenty-seventh street, was severely hurt while at work in the cellar of a new building, No. 13 Baxter street, by a beam falling upon him. At about the same hour Thomas McMann, a cooper, was badly hurt by being hit by a timber which fell through the hatchway of No. 130 Cedar street. The injured men were sent to their homes.

BOARD OF EXCISE.—The Board of Excise held its regular meeting yesterday, at which were present Commissioners Bosworth, Manierre, Brennan, Stone and Lincoln. There were seventeen cases on the calendar, a number of which were adjourned for further hearing. Forty-one new licenses were granted, and those of Frederick Dressing, No. 16 Sullivan street, and Michael Conway, No. 653 Water street, were revoked.

THE NEW JUDGE OF THE SUPERIOR COURT.—Governor Fenton has appointed Freeman J. Fithian Judge of the Superior Court of this city to fill the vacancy caused by the death of Judge Robertson. Mr. Fithian was recently the republican candidate for Justice of the Supreme Court of this district, and is a lawyer of ability, sagacity and experience. By the terms of the constitution the election for the place will be held in November, 1869.

MASONIC.—Raymond Lodge, No. 644, F. and A. M., named in honor of the Grand Lecturer, R. W. George H. Raymond, held their annual election on the 17th instant, on which occasion Worshipful Brother John H. McKay was elected Master; Worshipful Brother S. W. E. Beckner, Senior Warden; Brother Harry B. Snow, Junior Warden; Brother Frank Willard, Treasurer; Brother Charles E. Mackey, Secretary, and Brothers John McKenzie, Henry J. Conway and George W. McAlear, Trustees.

A DEMORALIZED DRIVER.—Monday evening officer Hunt, of the Third precinct, found stage No. 115 of the Fourth avenue line standing in front of St. Paul's church, Broadway, deserted by the driver. Taking charge of the abandoned vehicle, and making the requisite inquiries, the officer found that shortly before he came up the stage had run over a Mrs. Fitzsimmons, who had been slightly injured, and that the driver, being fearful of the consequences of his carelessness, had taken to flight. The lady had been removed to Hudnut's drug store, in the HERALD building, and, her hurts having been attended to, had gone home before the arrival of the officer. The driver has not yet been arrested.

FARMERS' CLUB.—At a meeting of this club yesterday afternoon, President Ely in the chair, the proceedings were opened by a discussion on the relative fertility of Tennessee with the neighboring States. Mr. Whitney then spoke on the subject of hop raising. Mr. Carpenter described the frauds practised by apple speculators, referring particularly to the placing of large apples near the top of the barrel and poor ones under. He said that with the April moon, when the buds begin to fill, the worms leave the earth and go up the trees. A Central Park policeman produced a pasteboard box containing specimen cocoons containing eggs of the various species of worms which destroy the foliage of the Park. Mr. Todd spoke on the best manner of preparing the soil for the planting of fruit trees. Specimens of apples from trees 100 years old were presented, which were said to be of a very superior quality. A report was read showing that the great wine producing localities are to be found south of the Potomac, among the slopes of the Blue Ridge.

MINOR INQUESTS.—Coroner Keenan held an inquest yesterday over the remains of an unknown man, who fell dead in Chambers street on Monday night. Deceased was forty-five years of age, and death was ascertained to have resulted from natural causes.

Coroner Flynn held an inquest yesterday, at 129 Greenwich street, over the body of Ernest E. Threins, a German aged thirty-eight, who died suddenly there from pulmonary hemorrhage. The deceased was once a very wealthy man.

Coroner Keenan was yesterday notified of the sudden death of Mary Johns, a German woman aged forty, who died in a fit at 36 Bethune street.

An unknown colored woman, about thirty years of age, while washing clothes at No. 8 Bank street dropped dead before the washtub yesterday morning.

Daniel Hannington, aged fifty, fell overboard at the dumping dock at the foot of Vesey street and was drowned. The remains were afterwards recovered and Coroner Rollins notified.

BOARD OF ALDERMEN.—This Board met yesterday afternoon, pursuant to adjournment, with the President, Alderman Coman, in the chair. A large number of papers were introduced and laid over under the rule, among others a resolution donating $5,000 to the Ladies' Union Aid Society and directing the Comptroller to include that item in his budget for 1869. A resolution was adopted directing the Comptroller to draw his warrant in favor of John Houghtalin for $426 for amounts paid out by him as clerk of arrears for deficiencies in the year 1866. A number of streets in the upper portion of the city are to be paved with Belgian pavement, and gas mains are also to be laid in several other streets, according to resolutions passed by the Board. Donations to pay assessments were made to the Union Reformed church of Sixth avenue, St. Joseph's church and Third Universalist church. The Clerk of the Common Council was authorized to appoint an engrossing clerk. A resolution was called up which directed the Comptroller to draw his warrant in favor of the Knickerbocker Ice Company for $805, as recompense for the loss of two horses said to have been killed by falling into a hole or being injured by the insecure condition of a portion of the roadway in Charlton street. Alderman Norton opposed the resolution, and stated that he did not know of any hole or break in the roadway in Charlton street by which horses could be fatally injured. The resolution was not adopted, and the Board, after disposing of a little further unimportant business, adjourned to meet again on Thursday, at two P. M.

POLICE INTELLIGENCE.

LARCENY FROM THE PERSON.—Mr. Patrick O'Keefe, of No. 18 Bridge street, had his vest pocket picked of a valuable silver watch on the 10th inst., and on his making some inquiry in the matter ascertained from Dennis McBarron, of No. 66 James street, that he had seen one David Tucker, aged seventeen, a native of New York, and residing at No. 10 Roosevelt street, take the watch from the pocket where the owner carried it. Tucker was run to earth yesterday by the Fourth ward police, and on his being brought before Justice Dowling at the Tombs he was held for trial in default of $1,000 bail.

CRUELTY TO HORSES AND FOWLS.—George W. Sherwood, a dealer in fowls at the markets, was yesterday arraigned before Justice Dowling, at the Tombs, on a charge of having caused a number of fowls to be packed and conveyed in crates in so cruel and inhuman a manner that the creatures could not stand erect, in direct violation of the fifth section of the act for the more effectual prevention of cruelty to animals. The accused was held for trial. Philip A. Ralph and Henry M. Austin were also arraigned before the same magistrate on a charge of having driven diseased and enfeebled horses to express wagons under their care. As the offence was clearly proven the prisoners were remanded for trial.

ATTEMPT AT BURGLARY.—Thomas Kelley, Robert Mott and Robert Conroy appeared before Justice Shandley, at the Essex Market Police Court, yesterday morning, charged with attempting to break into the store and dwelling of Joseph Geschwind, No. 66 Delancey street. Officer Mullen, of the Tenth precinct, saw the prisoners lurking about the above mentioned premises about one A. M. on Monday morning, and suspecting their design he procured the assistance of another officer and arrested them. Conroy had a "jimmy" in his possession. On examining the premises it was discovered that an attempt had been made to force open one of the rear windows. The dents on the wooden shutters correspond exactly with the size and shape of the instrument found in Conroy's possession. Kelley and Mott pleaded not guilty. Conroy said he was intoxicated when arrested and did not know what he had been doing.

THE ALLEGED DIAMOND PIN ROBBERY.—Charles White, arrested Monday evening by officer Quinn, of the Eighth precinct, at the instance of Sylvester Robinson, No. 747 Greenwich street, on the charge of stealing a diamond cluster pin valued at $500 from him on or about July 11, 1865, as already published in the HERALD, was arraigned before Justice Dodge at the Jefferson Market Police Court yesterday morning. In the complaint taken against the accused Robinson swears that he lost the pin on an up train of the Hudson River Railroad, at the time given, missing it when he left the cars at Peekskill, and that he has not seen it since until Monday, when White was wearing it in his shirt bosom. Mr. White indignantly denies that the pin in question was stolen by him, asserting that he obtained it honestly, which he can and will prove. The case was set down for examination the first week in January, and the accused was bailed to appear at the time in the sum of $1,000, Mr. Thomas Canary, No. 95 Mercer street, becoming his bondsman.

BOARD OF HEALTH.

This Board held its regular weekly session yesterday. The business transacted was almost wholly of a routine character.

The following report of the Registrar of Vital Statistics was read and placed on file:—

METROPOLITAN BOARD OF HEALTH,
BUREAU OF VITAL STATISTICS, Dec. 21, 1868.

In the week that ended on Saturday, the 19th inst., there were 385 deaths in New York and 140 in Brooklyn. The increase over the mortality of the previous week was 61 in the former city and 14 in the latter. The mean temperature in the week was 28.37 deg. Fahrenheit, and the lowest was 15 deg. But notwithstanding the excessively cold weather the increase that is noticed in this week's record of deaths does not occur in the list of lung diseases, but in the group of infectious by an increase of scarlatina, and still more in the diseases of the heart and of the brain and nervous system.

The death rate is now equal to 20 in 1,000 inhabitants yearly in each of these cities. This compares as follows with the rate of mortality in the fourth week of November in European cities:—In London it was 26 per 1,000; in the fourteen chief cities of Great Britain, counted together, it was 28 per 1,000; in Edinburg, 34; in Dublin, 24; in Liverpool, 31; in Glasgow, 35 per 1,000, while in Vienna, the third week in November, the rate was 29 per 1,000 and in Berlin it was 31 per 1,000. Smallpox prevails in several of the European cities, and will demand the continued vigilance of the medical officers at Quarantine and the emigrant landing in New York.

The mortality by pulmonary diseases, and inclusive of phthisis and croup, last week amounted to 121, and constituted 31.43 per cent of the total list. Phthisis alone is charged with only 54 of these deaths, or but 14 per cent of the total mortality in New York. The first year of infancy gave 103 deaths in this city, or 25.75 per cent of the total; and of children under five years there died 173, or 44.93 per cent of the total list. Zymotic or infectious diseases destroyed 82 lives (21.30 per cent of total) in New York and 22 (or 15.71 per cent) in Brooklyn. Scarlatina is charged with the death of 13 children in Brooklyn and 10 in New York. This deadly foe of child life always threatens the densely packed families of the tenant houses, but the subtlety of its contagious and epidemic principle renders it a source of danger wherever there are children within its reach. It killed 874 children in New York in the twelve months that ended October 1, and in Brooklyn it destroyed 402. And this is but half the havoc it made, for its consequences, or sequelæ, in a greater number that survived have caused death or permanent injuries to health. The conscientious physician both watches and dreads the incursions of scarlatina among the families under his care with anxieties as great as when cholera or smallpox is threatening. Experience and the present state of medical knowledge teach the duty of strictly separating the sick of this disease, so that no susceptible children shall be exposed to contagious emanations; and in populous towns and cities this kind of precaution should be extended to the proper sanitary care of all clothing that has been exposed in sick rooms. The mysteries of epidemics will doubtless continue until the art of complete sanitary care becomes universal in its application. The duty we owe to our fellow creatures concerning this matter of preventive measures against scarlatina and all the domestic pestilences that can be spread by contagion leads us to repeat to-day the words which we quoted a year ago from Sir James Y. Simpson, the great Edinburg physician:—

* * * "A rattlesnake or a tiger escaping from a travelling menagerie into a school full of children would, in all probability, not wound or kill nearly so many children as would a boy or girl coming among them affected with or still imperfectly recovered from scarlet fever, measles or smallpox. Most properly the cobra (snake) and the tiger—because they are always dangerous—are always, as far as possible, prohibited from making such visitations, and the infected boy or girl should be prohibited also during the time that they are running through the courses and convalescence of such contagious diseases, or while they exhale from their bodies a virus of dangerous and deadly potency."

It is not known, and until known it cannot be claimed, that scarlatina can be utterly banished by all the resources of sanitary science; but it has been found possible by simple regulation of domestic isolation and perfect disinfection and hygienic care to limit or greatly modify the fatal progress of this infectious poison.

The chief other point in the hygienic experience last week, which needs to be noticed in transmitting the record of this bureau, relates to the increased mortality from sudden and fatal termination of diseases of the heart and the occurrence of apoplexy. The "cold snap" of the winter's onset always produces this result upon the classes of persons who died so suddenly last week. There were sixteen deaths by diseases of the heart and great blood vessels and fifteen by apoplexy and hemiplegia. These brain disorders caused ninety per cent more than their annual weekly average of deaths. Some of this class of lives are so important to families and to human affairs that the prudent medical adviser becomes a public benefactor by the timely counsels he gives concerning the hygienic regimen of the chronic sufferer from organic disorders; for events that may not be prevented can often be long postponed. E. HARRIS.

The following are the statistics of the registration of births and marriages in the city of New York in the week ending December 19:—

Total number of births returned by physicians... 246
Total number of stillbirths returned by physicians.......... 55
Total number of persons married and legally certified by clergymen and magistrates.......... 224

INDUSTRIAL SCHOOLS.

Grahame School.

A reception by the pupils of this school took place yesterday afternoon, at the school house, No. 540 West Fifty-fourth street. The pupils greeted their guests with a varied programme of songs, recitations, &c., after which a number of medals and Christmas gifts were distributed among them.

Lorimer School.

The pupils of this school received their friends yesterday afternoon in the chapel of the Crown of Life. The interior of the edifice was beautifully decorated with evergreens and flags, and at the principal's desk two large Christmas trees were placed, loaded with valuable gifts, which were distributed to the children. The school is under the fostering care of the Children's Aid Society.

Sixteenth Ward School.

This school, which is also under the auspices of the Children's Aid Society, had a reception yesterday, at their rooms, No. 211 West Eighteenth street. The programme of exercises was of a varied and attractive character, and the children, under the guidance of their teachers, Miss Chandler and Miss Clifton, acquitted themselves very creditably.

THE ALLEGED MURDER IN THE TWENTIETH WARD.

An inquest was held yesterday morning, at No. 448 West Twenty-eighth street, by Coroner Rollins and Deputy Coroner John Beach, M. D., on the body of Julia Croghan, who died on Monday morning, as was then alleged, by the violence of her husband, Patrick Croghan.

The testimony of Ann Gerraghty, sister of deceased, and of Julia Donohue, the midwife, showed that deceased had been delivered of a still-born child on Thursday, and was then suffering from pleuro-pneumonia and fever; that he, her husband, who was drunk all the time, fondled and cried in turn over the deceased.

Drs. John Beach, C. Terry and Robert Neumann, who made the post-mortem examination, testified that there were no marks of violence, and that the deceased died of pleuro-pneumonia.

The jury found accordingly, and by order of the Coroner the husband, who was in custody, was discharged.

PUBLIC EDUCATION.

Christmas Reception at Grammar School No. 55.

Grammar school No. 55, located on Twentieth street, near Sixth avenue, was crowded yesterday morning on the occasion of the semi-annual reception by the pupils and the distribution of certificates and the Kelly medals. A pleasing programme had been prepared for the occasion, and, although somewhat lengthy, it was gone through with in most commendable style. Exercises in reading, declamations and recitations were interspersed with choice music on the school organ and choruses by the pupils. Among the compositions was one by William Naumberg, of the third class, on "Prussia in 1863." This young gentleman, according to the programme, had no knowledge whatever of the English language three months ago, and the composition read by him was written by him in the class room, and is his own production in conception, arrangement and style. The result of his three months' study as shown yesterday is certainly very remarkable and speaks volumes both for his own talent and the ability of his instructors. The Kelly medals for superior excellence were presented by Mr. Wm. E. Dodge and Judge Daly, both of whom in presenting them spoke in glowing terms of the management and efficiency of the school system of the metropolis and gave to the fortunate winners of the prizes some good advice. Master William Thompson, son of the Rev. Dr. Thompson, received the medal, and a large number of certificates for proficiency and regularity in attendance were distributed to pupils of the different grades.

Graduating Exercises at Grammar School No. 33.

At this institution, on West Twenty-eighth street, there was assembled yesterday afternoon an immense throng of the friends of the pupils and of the public school system. Among those present were John T. Hoffman, Governor elect; Judge J. R. Brady, James Kelly, John H. Anthon, John Jasper, Erastus Littlefield, Rev. Dr. Porter and a large number of other prominent citizens. The programme, which had been prepared for the occasion, although novel in its details and arranged to exhibit the varied talents and acquirements of the graduates, was entirely too long. It has been before remarked that lengthy programmes are weaknesses which the school managers have, and the fact is mentioned again, not with any intention of finding fault (as such exhibitions as that of yesterday could be tolerated if twice as long), but solely in charity to the pupils to whom these receptions are occasions of so much extra pressure on the nerves as to be in the main more injurious than otherwise. A school exhibition which runs as smoothly and as well as did that at No. 33 should not occupy more than one hour and a half in itself, and then the presentation of prizes, addresses by the distinguished visitors and other etceteras will readily consume half an hour, making in all two hours, which is quite long enough to keep the blushing and nervous pupils quietly sitting and facing an assemblage of anxious and expectant friends.

The exercises were opened with an address to the school by the Governor elect, who assured those present that he came there mainly to show the interest which he feels in the cause of public education and to testify to the high esteem in which he held the principal of the school, Miss Edmonds. He then went on to speak of the difference between the schools of the city and of the rest of the State, showing conclusively that, while this city is decried as the sink of corruption, from its public schools there are sent out men and women who lead the people of the rest of the State in enlightenment, and that the other towns and cities of the State are obliged to look to the metropolis and attempt to imitate its system of public education. He spoke of the cost of the schools, and assured all present that every dollar invested in this school system was worth a hundred invested in almost any other way. Speaking to the scholars he told them that they should endeavor to improve the advantages which they possessed of becoming educated, advantages which the mothers of many of them did not possess; but he said he did not think that the education they might acquire would make them better women than their mothers were. He counselled them to obey well the commandment—which is painted conspicuously on the wall of the room—"Honor thy father and thy mother."

Among the exercises the salutatory address, "The Past," by Miss E. A. McGean; the valedictory, "The Future," by Miss Mary C. Purroy; a composition, "The Beautiful," by Miss Rodenback, and a composition, "All for One Day," deserve especial mention. A recitation entitled "The Rehearsal," introducing the members of the graduating class in a number of histrionic selections, was highly enjoyable. Misses Rodenback and Burtis, in selections from "The Honeymoon," Miss Sloss as Lear, and Miss McGean as Cordelia, in the scene from "Lear" in which the kingdom is divided, and Miss Purroy in the "Last Days of Joan of Arc," and Miss Nicholson as the Rough Diamond acquitted themselves in a style worthy of professionals. The certificates were distributed by Assistant Superintendent Kiddle, after which a very happy and pleasing address to the graduates was made by Judge Brady. Handsome gold medals for superiority were presented by Mr. J. H. Anthon to Misses Maggie Lynch and Sarah J. Burtis, of the graduating class, and silver medals to Misses Ellen M. Dow, Annie C. Geary and Lillie Herman, of the second class. A number of handsome book prizes were also presented.

THE CONGRESSIONAL COMMITTEE ON ELECTION FRAUDS.

The Congressional Committee on Election Frauds reassembled yesterday morning in the United States Circuit Court room for the further hearing of testimony. On Monday subpœnas were issued for a large number of witnesses. Among those subpœnaed and who were in attendance yesterday morning were:—General Mitchell, of the Fifteenth ward, who acted as an inspector of election during the Presidential contest; Colonel Beaney, also an inspector of election on that occasion, in the Sixth ward; Mr. Bloch, a German, who acted in a similar capacity in one of the Bowery districts, and Mr. Hewett, an old citizen of the Twentieth ward.

General Mitchell testified that a number of votes were cast in his district of the Fifteenth ward which he believed had no right to be deposited or counted. He grounded his belief on the fact that some of the parties had, according to report, been repeaters, having voted the same day in other election districts. He charged also that there were many other irregularities in the taking of the votes, many of which were accepted and deposited in the ballot box against his protest. It is understood that the committee have called for the register books and that they will be presented for investigation.

Colonel Beaney and Mr. Bloch, it is said, will testify to somewhat similar irregularities and improper voting in their districts.

RECEPTION BY MR. RICHARD O'GORMAN.

On Monday evening last one of the most *recherche* entertainments of the season was given by Richard O'Gorman, Corporation Counsel, at his private residence, West Twenty-third street. About 150 gentlemen were present, among whom were many of our most prominent citizens. The city of New York was well represented by the Governor elect and the Mayor elect; the bench by Judges Brady, Barbour, Monerief, Jones, Quinn, McCunn and others; the city officials by Comptroller Richard B. Connolly, Street Commissioner George W. McLean, Thomas C. Fields, Wm. J. Kane and others; the army by Colonel Prince and Major Baldwin; Congress by Senator Casserly, of California, and Representatives Brooks and Fox, of New York; Kerr, of Indiana, and Ross, of Illinois; the bar by John McKeon, John E. Burrell and others. After enjoying the festivities of the evening the party dispersed, happy in the society of each other and much pleased with the manner in which the whole affair was conducted.

THE SKINNER MURDER IN CLEVELAND.

Arrest of One of the Alleged Murderers near Saratoga, N. Y.

[From the Cleveland Leader, Dec. 21.]

Ever since the atrocious murder of David F. Skinner, of Independence, in September last, the officers of the police and detective force have been unremitting in their efforts to secure the arrest of all concerned in the diabolical plot. As is known to our readers, Butterfield, Davis and McKanna were arrested almost immediately, while Folliott and Mulhall made their escape from the city. On Monday last detectives Schmitt and Rowe went to New York, having in their charge two men arrested here for a burglary committed in that city. While there they received a telegram from Superintendent McKinstry, who had gained positive information as to the whereabouts of Tom Mulhall, instructing them to secure him. In compliance therewith the officers went to a place called South Corinth, about fifteen miles from Saratoga, New York, in the mountains, where they found their man. They were able to identify him at once, being well acquainted with him in this city. A telegram was received from Mr. Schmitt, by Mr. McKinstry, at ten o'clock on Saturday morning, stating that they had arrested him. It will be remembered that Mulhall is the one who had the struggle in the hall at Skinner's house with Mr. Johns and others, receiving serious injuries about the head and body. The officers arrived in this city with their prisoner on Sunday morning, and he was safely lodged in jail, where he was placed in close confinement. He seems very restless and uneasy and is not inclined to talk much, replying briefly to questions asked him. He says that he remained in this city until the Tuesday after the murder, when he learned that his name was associated with the affair, and knowing that the police would make it warm for him he concluded to "light out." During Sunday and Monday one of the sergeants of the police force passed the house where he lived frequently, saw him several times and could easily have secured him had he known that he was concerned in the affair; but when this knowledge had been gained the bird had flown. Mulhall states that he went east from this city and has been in New York State a portion of the time in the city. At the time of his arrest he was employed as brakeman on a gravel train upon a railroad in course of construction, leading out of Saratoga Springs. He went by the name of William Anderson and had considered himself secure from apprehension; but the avenging hand of justice, slow but sure, found him in spite of his concealment. He says that he has not seen Folliott since the night of the murder.