NEW YORK CITY

THE COURTS.

UNITED STATES CIRCUIT COURT.

The Alleged McHenry Perjury Case—Charge of the Judge—The Result.

Before Judge Benedict.

The United States vs. John D. McHenry.—The hearing in this case was resumed yesterday morning. The first witness called for the prosecution was

James Louchein, who testified that on the 9th of January, 1868, he had charge of Pike's Opera House throughout the day; saw and spoke to Mr. Pike several times that day.

John Colleriy, another of the employés of Pike's Opera House, gave similar testimony; that on the 9th January, 1868, he was at the Opera, and saw Mr. Pike three several times during the day.

Several other witnesses, employes of the Opera House, gave similar testimony as to Mr. Pike's whereabouts on the 9th of January and throughout that day.

Rebutting testimony as to Deputy Commissioner Harland's character:—

B. F. Tracy, testified—I am United States District Attorney for the Eastern District; know Thomas Harland for the last two years; know that his reputation for truth and integrity is good; would believe him under oath.

Cross-examined—Have heard accusations brought against him; know nothing of him socially or of his antecedents.

Edmund C. Stetman—Have known Mr. Harland for twenty years; know that his reputation for truth, veracity and integrity is good.

W. H. Burley, James E. Munson, Horatio S. Brooks, Marshal B. Blake, James Freeman, William Bond and others testified that they knew Mr. Harland and that his reputation for truth and veracity was good, and they would believe him under oath.

Two or three witnesses for the defence gave counter testimony, testifying that the reputation of Mr. Harland was bad.

Mr. Whitman testified that his (Harland's) reputation was bad, but would believe him under oath.

This closed the testimony, and counsel, W. Dudley Field for the accused, and Mr. B. K. Phelps, Assistant United States District Attorney, for the prosecution, summed up.

POINTS SUBMITTED TO THE BENCH TO FORM PART OF HIS CHARGE TO THE JURY.

Mr. E. D. McCarthy submitted the following points, requesting his Honor to charge in accordance with them:—

That the two transactions in which perjury is assigned in the indictment you must keep separate and distinct, so that in your verdict, should it be guilty, you would specify whether guilty as to both the Loeb-Rollins matter and the Pike-Harland, or guilty as to but one, and if so, which one.

The second count of the indictment is bad for duplicity, and you cannot render a verdict on that count, and I charge you to disregard it altogether.

That the government witnesses are interested in the issue of this trial; their reputation and character are at stake, and while this consideration does not render them incompetent witnesses, does affect their credibility.

You cannot convict on the first count of this indictment, unless you utterly disregard the witness Ferguson.

The character of Ferguson as to truth and veracity has not been assailed by the prosecution, and the presumption therefore is that it is good and that he is worthy of belief.

Judge Benedict having declined to charge as requested, exception was taken to the charge.

THE CHARGE.

Judge Benedict then proceeded to charge the jury. He said:—Gentlemen of the jury—The responsibility of this important case now shifts from the counsel engaged in it and from me to you. And when the character of the prosecution is considered and the results which are to follow your verdict you will, I apprehend, not deem that responsibility a light one; and in view of the circumstances which attend the case and the results which are to follow your verdict, it is highly important that the verdict you render in this case be the right verdict; for, gentlemen, it would be a very calamitous occurrence indeed if a citizen, honestly desiring to prevent frauds against the revenue, had declared, under oath, the truth as he believed it to be, and for that should be convicted a felon and punished accordingly. And it would also be indeed a calamitous occurrence if officials holding places in the revenue—implicit responsibility, almost of danger—could be charged falsely, on false oaths, with impunity. The responsibility, therefore, resting on you, you will at once perceive, and as I am cheered by the consciousness that during the trial I have ruled the law, and now to you declare the law according to the best of my judgment, after due deliberation, without fear and without favor. So I charge you to perform your duty with respect to the facts in such a manner that you shall always be able to say that the verdict you rendered in this case has been rendered on your best judgment, in the light of the evidence and the facts presented. Your duty, gentlemen, pertains to the fact and mine pertains to the law. As to the law of the case I take the responsibility, but as to the facts of the case you must take the responsibility. I do not consider it to be my duty to express to you any opinion of the facts recited on the trial of the case—not because I have no opinion nor because of any difficulties attending the question, but because, under all the circumstances, I deem it right and proper that all men should know that your verdict has been rendered without any pressure whatever from the Court or any intimation of its opinion. You will, therefore, pass upon the facts according to your own judgment, and will not seek to ascertain my opinion from any expressions I may use. You are not called upon to pass any judgment on abstract questions with regard to the revenue law or revenue frauds. It may be true that many frauds are perpetrated on the revenue through the connivance of officials, but you are not called on to decide upon that question. It may be true that officials may be prosecuted on false charges made with the object design of impairing their usefulness and imperiling their reputation; but you are not called on to say so here. Your duty pertains to the particular charge against the prisoner on the facts as they have been narrated to you by the witnesses that were put on the stand, and to that alone. The charges are perjury—an extraordinary crime—a crime never to be considered in a court of justice in other than a most solemn light. Perjury is made a crime by an act of Congress, which declares any person in any case, matter or hearing who, on oath or affirmation, shall, knowingly and willingly, swear or affirm falsely—every person so offending shall be deemed guilty of perjury. The crime is knowingly and willingly, under the solemnity of an oath, taken before a proper officer in a proper proceeding, declaring that to be true which the person knew to be false. The law with regard to this crime presents a peculiarity which I deem it proper to call your attention to. That is, whereas most crimes can be proved under the law by one witness alone the crime of perjury cannot be proved by one witness only, and for the simple reason that one oath should not be put against another. Therefore the law requires that not only the false statement shall be proved by one witness, but that the witness must be corroborated by another witness or by circumstances corroborative of the evidence of one witness before a jury is warranted to convict. One witness is not sufficient; there must be two witnesses or corroborative circumstances sufficient to satisfy the mind of a jury that the false statement charges have been knowingly and willingly made. There are two charges of this nature brought against the prisoner. One is in the first count in the indictment, which charges him with having committed in a certain affidavit sworn to by him before Commissioner Guttman. It is not disputed that the prisoner at the bar is the man in question, or that it was taken in a proceeding which gave Commissioner Guttman jurisdiction therein; nor is there any dispute as to what that affidavit was, its purport and object. This is all proved and not denied. The question, then, for you is a question of fact—was that affidavit true? Or did the prisoner knowingly and willingly in that affidavit declare that to be true that he knew to be false? The materiality of the interview, as narrated in that affidavit, the interview alleged to have taken place between Harland and Pike, cannot be doubted; but that is a question that does not come before you. The question for you to decide is, is it shown beyond a reasonable doubt by the affidavits of two witnesses or by the affidavit of one witness, and other corroborating circumstances, that such an alleged interview did not take place. Perjury is assigned in the first count in the narration of this interview, and all the other matters hang together on this and must stand and fall together. The question, therefore, is whether you believe on the evidence that such an interview as that sworn to in the affidavit of the accused did or did not take place, and if you declare it did not take place you are to say that the statement that it did take place arose and was made from any mistake or misapprehension, or whether it was made, as charged by the prosecution, knowingly and willingly. The learned Judge then called the attention of the jury to the second count in the indictment. He did not himself observe any important difference in the two statements, and it appeared to him that the conclusion of the jury on the first count must be their conclusion on the first phase of the second count relating to the alleged interview between Harland and Pike. But in another portion the accused in his affidavit relates to other alleged interviews in Washington between Loeb and Rollins, and if the jury found that he swore to those interviews knowingly and willingly, and knowing that such interviews had never taken place, then the jury were bound to convict him therefor. On concluding his brief charge the Judge said:—This, gentlemen, is a criminal act and the prisoner is entitled to a reasonable doubt, if any should exist in your minds—not a hope, a surmise or a desire, but a reasonable doubt founded on the evidence. If such a doubt exists you will acquit the prisoner, if not you will convict him.

The jury retired at half-past four P. M. At ten o'clock they had not yet agreed, and were locked up for the night.

UNITED STATES DISTRICT COURT.

Patent Theatrical Footlights—Action for Infringement.

Before Judge Benedict.

Lloyd vs. Wheatley.—The plaintiff in this case brings an action against defendant for an infringement of a patent claimed to be in his possession for a new system of stage footlights, which of late has come into general use in all theatres. The plaintiff first introduced his new light in the Young Men's Hall in Detroit, Michigan, but never introduced it here or gave permission for the use of the patent. Mr. Wheatley, it is alleged, introduced the system of lighting his stage at Niblo's theatre on the plan of plaintiff's patent, to the extent of warranting Lloyd to bring an infringement therefor.

The case is a test one; for should plaintiff succeed he will be sustained in any series of actions he may bring against all the theatrical managers of the country.

The case being called from the calendar counsel for the plaintiff said that the principal counsel in the case on the part of the plaintiff was engaged in a suit in the Supreme Court which would occupy him all the day.

The Court said a jury would be empannelled and counsel might appoint a day on which they would be prepared to try it.

Mayor A. Oakey Hall, counsel for the defendant, said that the case had taken such a turn on a question of fact that, after consultation with his client, he concluded to submit to counsel on the other side and to the Court the suggestion to have the case tried before his Honor without a jury.

Counsel for the plaintiff assenting a stipulation to that effect was handed to the Court, who said that it would give the case preference to all others, and fixed it for Monday next.

UNITED STATES COMMISSIONER'S COURT.

The Herman Case—Proposed Compromise.

Before Comissioner Betts.

The United States vs. "Colonel" Herman.—This case, the facts of which have already fully appeared, came up yesterday for hearing. Herman did not appear, a very wise proceeding on his part, considering that a large number of the soldiers and their friends whom he has alleged to have defrauded of their claims were in attendance, and would certainly have acted towards him in other than a friendly manner had he shown himself. A compromise was suggested, by which the proceedings are delayed in the hopes that a settlement with the poor claimants may be effected. So far the case has a very suspicious aspect.

The Commissioner accordingly adjourned the case till Friday next.

SUPREME COURT—CHAMBERS.

The Warren Divorce Case—Queer Allegations and Contradictions—Alimony.

Before Judge Cardozo.

John Oscar Warren vs. Emily S. F. Warren.—The plaintiff brings this action for divorce from the defendant, his wife, on the ground of her alleged adultery, committed at a certain house of ill-repute in this city, between the months of January and October, 1868. It appears that the parties separated a year ago, and this action was commenced shortly afterwards. The case came before this court to-day on a motion for alimony and counsel fee. The defendant also asks that the court direct back alimony to be paid her from the time of the commencement of the suit, and alleges that during that time she has maintained herself and child five years old from her own earnings; that the expense of said maintenance has been from twenty-five to thirty dollars per week; that she has never been guilty of any act or acts of adultery, as charged; that the plaintiff, her husband, is possessed of property to the value of $30,000, and that his income amounts to $8,000 yearly. She also sets up counter charges of adultery against the plaintiff with two women named respectively Kate Jackson and Mary Smith. The plaintiff denies these averments, and says he is not worth any property whatever, and that instead of being in receipt of a yearly income of $8,000 he is now serving an apprenticeship to the iron foundry business in Ohio, also that shortly after his marriage to defendant his father gave him a sufficient sum of money to establish him (the plaintiff) in business in Buffalo, but that he was unable to continue such business in consequence of the extravagance of his wife the defendant; that defendant abandoned him in Buffalo and came to this city and entered the house of ill fame in question, and that the money with which she claims to have supported herself and child was gained by her in such illicit life. Plaintiff also asks that the child be taken from her and placed in custody of some asylum or institution for juveniles.

Decision in the motion for alimony reserved.

The Ward Divorce Case—The Power of the Court to Issue a Precept.

John A. Ward vs. Charlotte A. Ward.—This is the celebrated divorce case in which a number of eminent artists are more or less involved, and was argued some days since on an application to compel the payment of alimony and counsel fee. Judge Cardozo has rendered the following opinion on the motion:—

I have not any doubt of the power to issue a precept; but the question of a party's means, when tried on affidavits, is always very unsatisfactory, and I am loathe to do what might prove a harsh act. I have concluded to stay plaintiff's proceedings in this action except as hereafter mentioned, and to direct that a precept be issued unless in three days he pay $250 on account of the counsel fee, and the like sum on account of the alimony heretofore ordered. Upon payment of those sums within that time the application for a precept may stand over and a reference be taken to A. J. Smith, to ascertain the means of the plaintiff, and upon the coming in of the report I will make such order, either for the modification of the previous order or the enforcement of it, as may be proper. Except to prosecute such reference the plaintiff's proceedings will be stayed meantime.

Decisions Rendered.

Smith et al. vs. Pope.—Motion granted on payment of $5 costs.

Pardee et al. vs. Strauss.—Motion denied, without costs, with leave to renew on proper papers.

Dahl vs. Salem et al.—Motion granted; $7 costs to abide event. Defendant to stipulate not to sue, &c.

Noah vs. Manhattan Co-operative Relief Association.—Form of order settled, &c.

Levinger vs. Levinger.—Motion denied.

Weeks vs. Weeks.—Motion granted on payment to plaintiff's attorney of seventy-five dollars.

Isaac C. Pray vs. Henry D. Palmer, &c.—Motion granted; five dollars costs to abide event.

Pike et al. vs. Craus et al.—Motion granted unless plaintiffs pay seven dollars cost, and stipulate to notice for next circuit and try when reached.

Claflin et al. vs. Mandel et al.—Motion denied, without costs.

Miller vs. Hutchins.—Motion granted on payment of five dollars costs, and cause to be put on Friday calendar for second Friday of March.

Jaques vs. Thiers.—Motion denied; five dollars costs to abide event.

Delmage vs. Dunscombe et al.—Motion denied.

Sarah L. Blount vs. David. T. Blount.—Motion denied.

Banz et al. vs. Carrington.—Upon plaintiff's giving bond with sureties, &c., within five days to pay any sum reported due to Mr. Bowman, substitution will be ordered and a reference ordered, &c.

Kelley vs. Seneca Reservation Oil Company et al.—Default opened on payment of ten dollars costs and stipulating to try both cases before a reference, &c.

Henry Cardozo vs. John T. McKnight.—Motion denied, without costs and without leave to renew if any other defence can be shown.

Wilson et al. vs. Nesler et al.—Order granted.

Mary E. Suffen vs. Edward W. Suffen.—Application refused. The testimony is wholly insufficient.

In the Matter of Louisa C. Woods, an Habitual Drunkard.—See memoranda of decision.

Blanquier vs. Bourgade.—Motion granted, &c.

Eisner vs. Miller et al.—Attachment vacated, without costs, upon defendant stipulating not to bring any suit by reason of its service on their property.

Claflin et al. vs. Dixon.—Motion granted.

NEW YORK DISTRICT CIVIL COURTS.

A Printer's "Case."

Before Judge Quinn.

Patrick Leonard vs. Little, Rennie & Co.—This was an action brought to recover from the defendants, who keep a book and job printing office on the corner of Broome and Crosby streets, for work and labor done as a compositor by the plaintiff. The plaintiff was engaged by defendants to work on book work at fifty-one cents a page; and about two weeks since he and about fourteen others joined the printers' strike and left the establishment of the defendants, who owed the plaintiff and his co-laborers sums varying from nineteen to twenty-two dollars and upwards. The defence was merely technical, defendants contending that the matter had not been corrected properly. This was a test case for the others, and the further hearing was adjourned till to-day.

A Nice Question of Law.

Ward vs. O'Donnell.—A firm in New Haven, doing business under the title of Owens & Keegan, purchased merchandise from Miles O'Donnell, a merchant of New York. An account was started between them, from which it appeared there was a balance due to the New Haven firm of fifty-five dollars. Owens & Keegan gave an order to the plaintiff in this action, Patrick Ward, to whom they were indebted for a like sum, and took his receipt; and now the plaintiff brings suit against O'Donnell to recover the amount on the regular order or draft. O'Donnell set up in answer the draft accepted by Owens & Keegan, which he bought from third parties, named Alonzo Meyers & Co., and the question of law involved is whether this accepted draft obtained from Meyers & Co. can be set off against Ward's draft given by Owens & Keegan. The counsel for Ward claimed that the order given by Owens & Keegan to Ward operated as an equitable assignment of the funds in O'Donnell's hands, and that he cannot set off the accepted draft of Owens & Keegan against this order of Ward. Decision reserved.

SURROGATE'S COURT.

The Watson Will Case—Decision by the Surrogate.

Before Surrogate Tucker.

A colored man named Robert Watson, who carried on the business of a public caterer in Sullivan street, in this city, died several months ago, leaving to his wife and daughter property valued at about $100,000. The will was admitted to probate, and letters of administration were granted to the widow. About two months subsequently a colored woman, Polly Watson, and her son Albert, appeared on the scene, and prayed that the will might be set aside, as they were the next of kin. They had the body of the testator exhumed from its resting-place in Greenwood. The remains were identified by a scar below the left knee. The chief testimony given was by James Edward Scott, a Virginia planter, who sold Polly's husband, Robert, in 1834. The colored minister, Nath. Johnson, who married Polly Watson, testified to the ceremony, and to the sale by Scott. After the sale, he says, Watson left his wife and several children. A Madame Dubois, of Seventeenth street, deposed that she knew the testator before she was of marriageable age, residing in New York. Yesterday Surrogate Tucker, after carefully reviewing the testimony, decided that the statement of Polly Watson was founded on mistaken identity, and that the probate of the will in favor of the wife and daughter who lived with Watson at the time of his death should be confirmed.

COURT OF GENERAL SESSIONS.

Before Recorder Hackett.

ONE OF THE RIVER THIEF GANG SENT TO SING SING.

At the opening of the court this morning James Holland, who was convicted on Monday of stealing three barrels of oil, was sentenced to the State Prison for five years, the Recorder stating that he believed Holland to be connected with a gang of thieves who infest the piers of the city.

ASSAULT AND BATTERY.

Desideous Gonzales, who was placed on trial yesterday, charged with a felonious assault upon Joseph C. Paralto, pleaded guilty to assault and battery. He was remanded for sentence.

A POCKPOCKET IN CHURCH.

John Danaher pleaded guilty to petty larceny from the person, he having stolen a pocketbook containing seven dollars from Mary Fleming, on the 14th inst., while she was worshipping at a Catholic church in Sixteenth street. The Recorder in passing sentence said that picking pockets was a mean crime anywhere, but it was still more reprehensible when the act was committed in a church. He sent him to the State Prison for five years.

GRAND LARCENIES.

Celia Willett, who was charged with stealing $100 worth of clothing from George W. Bogert, 196 West Fourth street, on the 13th instant, pleaded guilty to an attempt at grand larceny. She was sent to the State Prison for two years and six months.

James Baker pleaded guilty to grand larceny, having on the 15th of January stolen forty dollars' worth of clothing from James W. Hawkins, 71 Sullivan street. As there were mitigating circumstances the Recorder sent him to the State Prison for one year.

Charles Denklage was tried and convicted of stealing a watch, worth fifty-three dollars, the property of Mary Kanoven. She gave her boy the watch to pawn and the prisoner took it out of his hand in the street. He was sent to the State Prison for four years and six months.

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.	36	3 P. M.	40
6 A. M.	40	6 P. M.	35
9 A. M.	40	9 P. M.	34
12 M.	42	12 P. M.	34

Average temperature 37¾

DEATH FROM BURNS.—August Scott, a child three years of age, whose parents live at 509 West Forty-third street, died yesterday from the effects of burns accidentally received on the 16th instant.

EX-SHERIFF JOHN KELLY.—The rumor that this gentleman was seriously ill is without foundation. Mr. Kelly has been unwell for some time past, but is now recovering and will in a short time sail for Europe.

DEATH FROM INJURIES.—Coroner Flynn was yesterday notified to hold an inquest at the New York Hospital on the body of Thomas Roberts, who died from a fracture of the spine received on or about the 30th of October last, caused by falling from the masthead of the schooner Addie M. Bird, at or near Kingston.

DEATH OF A POLICE OFFICER.—William Anderson, an old and efficient officer of the police department, died suddenly at his late residence, No. 202 Mott street. For the last few months Mr. Anderson has been doing duty in the Thirteenth precinct. Some years ago he was on detail duty at the Tombs Police Court. Coroner Keenan was notified to hold an inquest.

FATAL HATCHWAY CASUALTY.—Yesterday morning Andrew Bouchoux, employed as porter in the store No. 145 Duane street, accidently fell through the hatchway from the third to the lower floor and was terribly injured about the head and body. He was taken up by an officer passing at the time and conveyed to the New York Hospital, where death ensued soon after admission. Deceased was fifty-three years of age, a native of France and lived in Hudson City, N. J. Coroner Flynn was notified to hold an inquest on the body.

REMOVALS IN THE CUSTOM HOUSE.—Yesterday some seventy clerks in the various departments of the Custom House were notified by the Collector "that their services were no longer required in any capacity." This movement is understood to be a part of the late Senatorial contest, as all of the ex-clerks were known to be Morgan men. There is considerable commotion among the remaining clerks as to who will be the next to have his official head chopped off, it being understood that next week there will be another batch turned over to the tender mercies of their friends. The list of the unfortunates include twenty-seven inspectors, twenty night watchmen and three weighers, the balance being clerks in the several divisions.

THE FULTON STREET FIRE.—The following are the losses and insurances at the fire at 217 Fulton street on Thursday evening:—The basement was occupied by Joseph Hayward, paper dealer; loss $3,000; insured for $3,030 in the Germania, $2,000 in the Commerce, of Albany; $3,000 in the Etna, of Hartford, and $5,000 in the Mechanics and Traders' companies. The first floor was occupied by Shuttleworth & Co., paper dealers; loss $15,000; insured for $5,000 in the Park, $5,000 in the Greenwich, $2,500 in the Norwich, Conn., and $2,500 in the Etna, of Hartford. The third floor is occupied by John Raper, printer; loss $1,000; insured for $2,500 each in Williamsburg City, People's and Bowery companies. The fourth and fifth floors were occupied by Richard Lane, bookbinder; loss $1,000; insured for $2,000 in the Firemen's Company. The building is owned by Gardner G. Yoelin; damaged $1,500; insured for $20,000.

ST. PATRICK'S DAY—THE CONVENTION.—The fourth meeting of the Convention of Irish societies, having in charge the arrangements for the celebration of St. Patrick's day, was held last evening, at Hibernia Hall, Prince street, Patrick McArdle, the president, in the chair. After the routine preliminaries had been complied with Rev. Father McAleer was introduced and made a brief address, in which he expressed the kindliest feelings towards the objects of the Convention, and said he came as a delegate from St. Columba's T. A. B. Society. He hoped to see a respectable and multitudinous procession on St. Patrick's day and that it would be conducted with propriety. The Committee on Military Arrangements reported that they had been unable to confer with Colonel Kavanagh, of the Sixty-ninth regiment, in consequence of his absence from the city, and were instructed to wait upon him so as to be able to report at the next meeting. Delegates were recognized from the Fourth division of the Laborers' United Benevolent Society, and societies Nos. 4, 5, 9, 17 and 19 of the Ancient Order of Hibernians. The Convention then adjourned until the 25th inst.

OVERBOARD.—About half-past six o'clock last night, just as one of the Hamilton avenue ferryboats came into the slip at the foot of Whitehall street, a man by the name of James Emmons, who lives in Fourteenth street, near Third avenue, Brooklyn, fell overboard. At the first rumor of the accident the great crowd, who are always waiting for a boat at that hour, pressed eagerly around the spot from which the man had fallen, thus making it quite impossible for anything to be done for his rescue with the least chance of success. The man had been in the water several minutes before it bethought any one to call a policeman to disperse the crowd. This done, the man was soon hooked up with a long pole and was likely to be restored. This is but another illustration of the uncertainty of the approaches to the ferries and the insufficiency of the precautions for the rescue of a man so unfortunate as to step overboard. The accident last night did not prove a fatal one; but the chances were greatly in favor of making it so. About that hour of the evening there is great danger of some one being crowded off into the water, at the landing of every boat, and the circumstances that produce the danger make it always exceedingly difficult, sometimes impossible, to rescue the victim of such an accident.

POLICE INTELLIGENCE.

FRAUDULENT CHECK TRANSACTION.—Captain Greer, of the Twenty-sixth precinct, yesterday arrested John Spencer, a man forty years of age, on a charge of false pretences preferred against him by Mr. William V. Leggett, of No. 1,429 Broadway. Mr. Leggett swears that on the 19th of October last the prisoner called upon him and, presenting what purported to be a check drawn by E. S. Higgins on the Chemical Bank for forty-eight dollars, payable to the order of John Spencer, stamped and duly endorsed, requested the cash on it, the accused at the same time representing that it was the check of E. S. Higgins, the carpet dealer, who gave it to him. Mr. Leggett, believing the representations thus made to be true, cashed the check, but upon presenting it at the Chemical Bank learned from the paying teller that the check was worthless; hence the complaint for false pretences. The accused pleaded guilty to the charge and Justice Dowling committed him to the Tombs for trial in default of $2,000 bail.

HOUSE OF DETENTION FOR WITNESSES.

Description of the Building and Treatment of the Inmates—Number of the Occupants and Periods of Confinement—Protracted Imprisonment of Witnesses—Straw Bail—Liberty to Criminals.

A large, imposing, and the main part of it very substantially built, is the House of Detention for Witnesses in Mulberry street. It is four stories high, the lower story being a front of Nova Scotia stone and the upper stories brick. It has a front of eighty feet on the street and the main structure a depth of thirty-eight feet. The lot is ninety feet deep, a portion of which is covered by a wing twenty feet wide, of the same height as the main structure, and the remainder occupied as a yard. This wing proves to have been unsubstantially built, having already settled a good deal, and causing rather startling crevices in the walls. The probability is that it will soon be torn down and a new and properly built wing be erected in its place. Such is the exterior of this edifice. It was built eight years ago, and, it must be confessed, from the good care taken of it, shows very little the years of service it has already seen. All the windows are strongly bound with iron.

DESCRIPTION OF THE INTERIOR.

An order from one of the Police Commissioners having charge of the institution, or from a committing magistrate or the District Attorney is the "open sesame" to the place. There are two departments, one for female witnesses and the other for males. The upper stories, fronting on Mulberry street, are occupied by the former and the wing alluded to above by the latter. The rooms occupied by the women are each nine by twelve feet in dimension and ceilings varying from thirteen to ten feet, as you proceed from the lower to the upper story. In each room are two narrow iron bedsteads, with straw mattresses and pillows, and army blankets. There is no other furniture, and the floors are carpetless. A female occupant having a taste for the luxury of sheets, pillow-cases, and bed covering not quite so rudely rough as army blankets, or for a table or looking glass or any other feminine comfort and luxury, must furnish them herself. At present, however, there are no occupants in this part of the buildings, so that the rooms have a specially bare and ghostly-like look. Passing into the male apartment we find the rooms only eight by ten feet in size, and with the same primitively meagre furniture as in the female department, but of course with extension of less privileges to the inmates to add to the room a supplementary invoice. Each room is intended for two occupants. Happily there is good ventilation, the windows being large and opening from the top and a transom over each door. At the extreme end of the lower corridor there is a sitting room, about 12x16 feet in size. It is about as melancholy looking sitting room as that appropriated to passengers waiting at the Second avenue railroad depot the periodically uncertain trips of the dummies. In the centre is a stove of special gloomy pattern, and the sitting accommodations four wooden benches without backs. We should have stated, also, that there is a like cheerless sitting room in the female department. No other fires for the occupants are allowed except in these sitting rooms. In each department there is a bathroom—the only genuine luxury furnished the inmates except such as they choose to furnish themselves. On the first floor of the main structure are the office and some rooms set apart for the keeper. In the basement is a capacious laundry, kitchen and dining room.

FARE ALLOWED THE INMATES.

On the score of fare there seems to be nothing of which any complaint can be made, but, rather, the cuisine is managed on a scale of unusual liberality, considering the fact that the feeding is done by contract. The allowance per case of provisioning is ninety cents daily for each inmate, or $7 30 per week. The preliminary of soup is always furnished for dinner, with good roast meat and vegetables, and pie or pudding for dessert. Breakfast and tea are on an equally liberal scale. Mrs. Reynolds, who has charge of this department, has evidently a heart proportionate in size to her body, which has the unctuously mammoth magnitude of a city alderman.

"You feed your family well," we remarked, looking on the well spread dinner table, our visit happening to be at the dinner hour.

"I like good things myself," she replied, "and I know my boarders do, too, and I'm bound they shall have them."

"You are a model landlady," we rejoined, "and are not up to the modern dodge of making money out of boarders, so prevalent in our public institutions."

"I'm paid well, and I mean my boarders shall live well," she continued. "Fact is, my boarders get fat—I like to see them get fat. Do you know I have seen boarders come in here as thin as a spider's web and go out as fat as—"

"Yourself," we interrupted, rescuing her from the difficulty of hitting on something of sufficiently obese dimensions to make complete the comparison.

"Well it's about so in some cases, I tell you," and she accompanied the rejoinder with a cachinatory physical agitation displayed by Santa Claus when under the influence of mirthful conceit. Not belonging to the class of unfed Bohemians, we will not linger longer on the dinner.

NUMBER OF INMATES.

Very variable are the number of inmates at this institution. There have been as high as 128 in the institution at one time. At present there are only three:—Patrick Murphy, who is detained as a witness against Maximilian Muller, alleged to have set fire to the house of the former about a year ago, in which Muller's wife and two children were burned to death; Morris Gleason, whose testimony is wanted against Wm. Dunne, charged with highway robbery in Kings county; and Samuel Brown, who prefers a similar charge, the alleged offence, however, having been committed in this city, against Thomas Grady.

"How does it happen you have so few inmates?" we inquired of Sergeant Folger, in charge.

"Clear as daylight," quickly responded the clear headed sergeant. "The Judges have been making clearing work of criminals. Only a short time ago we had forty inmates. Our occupants diminish in the same ratio with the conviction of criminals."

It requires no process of ratiocination to show the correct stating of the case by the sergeant. It is unnecessary to dwell on this point.

PERIODS OF CONFINEMENT.

These vary as vary the number of inmates. Many stay but a few days, but it is very often their compulsory sojourn is protracted through months. Take, for instance, the case of Carpenter, the principal witness against Real, recently convicted of the murder of policeman Smedick. He was detained here 204 days. The full records of the institution during its eight years of existence here and four years in White street, show numerous cases of similarly long confinement.

PRIVILEGES AND PERQUISITES OF THE INMATES.

A large exercise of humanity is shown towards the inmates as a general thing. There is a library, though very much dilapidated and really in need of replenishing, to which they have access. He also mentioned the four bath rooms. For exercise the freedom of the capacious yard is also allowed them, and in addition to this, some—those who can be trusted—are allowed to go in and out when they please, to take walks or visit friends or go to places of amusement; in fact, are permitted the entire freedom of the city. On Sunday there is preaching to them, if that may be set down as a privilege, though it is the privilege of each to go or stay away as he or she pleases. It will be understood from what is written above that there is no charge for board. The only thing charged is for washing, and as to this the inmates can do their own washing if they please. As to indemnity for loss of time, that remains discretionary with the courts. To the witness Carpenter already referred to the sum of $200 was paid, which is about the average maximum allowance.

THE CRUEL FEATURES OF THE CASE.

The injustice of which these detained witnesses are the victims, forms the worst and most cruel feature of the case. The real criminals often get released on straw bail, and are at large and plying their criminal vocations, while the unfortunate witnesses are kept in durance vile. This is what needs remedying. While the institution is conducted on a spirit of broad humanity, and the largest freedom consistent with the ends of justice is allowed the inmates, and while the present system is a great improvement on the old one, when criminals and witnesses were alike consigned to the Tombs, a radical reform is needed, through which the innocent, and very many of them from the country, victimized by the ceaselessly busy hordes of our city criminals, and having no one here to become surety for them, shall not thus be deprived of their personal liberty. The present system is a guarantee of safety to criminals, as its direct tendency and fruits are to debar from prosecution not only by the immediate victims, such as are so fortunate as to have their lives spared, but to prevent voluntary offering of testimony which though all important to insure conviction, carries with it an assurance of protracted and painful imprisonment.

MAYOR'S OFFICE.

ONE WAY OF PAWNBROKING.

Among the many interesting cases which have come before the Marshal is one which was disposed of yesterday. The complainant was a gentleman named Wallace Lemore, of West Thirty-seventh street, and the accused was Mr. L. Swartz, doing business as a pawnbroker at No. 588 Third avenue. It appears from the complaint that Mr. Lemore met a young man on Fulton street, who told him that he was hard up and had been obliged to pawn his watch, showing at the same time a pawn ticket for seven dollars, which he was willing to part with for one dollar. The dollar was given and Mr. Lemore proceeded to Swartz's establishment to get the watch. He paid the seven dollars, and sixty-three cents for interest. As soon as Mr. Lemore saw the watch he found that he had been badly sold, and said he wanted to put the article in pawn again for half the amount he had paid for it, but Mr. Swartz would not take the watch again at any price. The matter was laid before Marshal Tooker, and the pawnbroker refused positively to take the watch back or refund the money. On being asked how he came to take the watch at first he said his assistant took it, but he knew the young man so well that he did not hesitate to take the watch. Marshal Tooker told him as he was so well acquainted with the young man it would make no difference to him to place the affair as it stood before Mr. Lemore took the watch out. The Marshal gave him until Wednesday next to refund the money or have his license revoked.

INTELLIGENCE OFFICES

continue to be overhauled in number. Yesterday several complaints were made against the establishments at No. 1 Centre street, 261 and 234 Broadway. In all cases the same old story was made—promise to give employment never fulfilled by the office keepers and various sums paid by the victims. The money was refunded in each case by direction of the Marshal. The

MOCK JEWELRY ESTABLISHMENT

of John Smith was represented by the gentleman of the well known name before the Marshal to answer a complaint made by a young Teuton. A little conversation with Marshal Tooker induced the young scion of the house of Smith to return the $50.

A large number of complaints for

VIOLATIONS OF ORDINANCES,

such as hack drivers without badges, trucks, carts, &c., not properly numbered, were disposed of by the Marshal by imposing on the offenders fines of from one to three dollars, according to the nature of the case.

BOND ROBBERIES.

The Pequannock Bank Case—$95,000 in Bonds Stolen—Recovery of a Portion of the Property—The Accused Held to Answer.

Henry Marshall, alias "Glover," and Louis S. Cole, alias Levi Cole, arrested by Captain Speight, detectives McCarty, Crowley and McGovern, of the Twenty-ninth precinct, on Wednesday, and temporarily committed by Justice Dodge on Thursday, charged with negotiating the sale of a number of bonds supposed to have been stolen, the facts of which have already appeared in the HERALD, were again arraigned yesterday, the officers having succeeded in finding an owner for the stolen bonds. Captain Speight, after succeeding in having the prisoners committed, proceeded to police headquarters, where he ascertained the bonds found in the possession of the prisoners, as well a large number not yet recovered, had been stolen from the Pequannock National Bank at Bridgeport, and for the recovery of which a reward of $5,000 was offered. He at once telegraphed to the president of the bank, Mr. Charles B. Hotchkiss, that he had recovered a portion of the stolen bonds requesting him to come to this city by the next train for the purpose of identifying them, but that gentleman happening to be in this city at the time did not receive the despatch until his arrival home late in the evening. Yesterday morning he arrived at the office of the Superintendent of Police, in Mulberry street, where he was shown the bonds recovered and identified them as the ones stolen from the bank. The prisoners were again arraigned before Justice Dodge yesterday, when a complaint was preferred against them by Mr. Hotchkiss, charging them with stealing the following bonds on the 30th of November last, amounting in all to $95,000:—Eight United States five-twenties coupon bonds, of 1865, of the value of $1,000 each; six United States coupon bonds of 1867, of the value of $1,000 each; two United States coupon bonds of 1865, of the value of $100 each; three Connecticut State bonds, $300 each; one United States certificate registered bond, $10,000; one United States certificate of $1,000; one United States certificate, $5,000; three United States certificates, $1,000 each; five United States bonds, $1,000 each; ten city of Marshall School bonds, $500 each; five Milwaukee and St. Paul Railroad first mortgage bonds, $1,000 each; sixty-five shares of Importers and Traders' National Bank of this city, ninety-eight shares of Pequannock National Bank; together with a quantity of other certificates, bonds, mortgages, promissory notes and evidences of debt. Mr. Hotchkiss further testified that on the 30th of November last the above property was contained in a tin box, which was placed in the money safe inside of the vault of the bank, that the box and its contents were stolen and carried away and no trace of the box or any of its contents could be found; that on the 18th day of February he received a telegram at Bridgeport notifying him that the two prisoners had been arrested, in whose possession a large quantity of bonds had been found; that he arrived in this city yesterday morning and was shown the bonds found in the possession of the prisoners, which he identified as a portion of the property stolen from the bank.

An informal examination was held before Justice Dodge yesterday afternoon, and upon motion of C. S. Spencer, counsel for the defence, who asked for the discharge of Cole, claiming that no charge was proven against him, the case of Cole was adjourned until to-day, at two o'clock, when a decision will be rendered. The examination on behalf of Marshall was adjourned until Monday next, at ten A. M. In the meantime Governor Hoffman will be petitioned to for a requisition to allow the prisoners to be conveyed to Connecticut, where they will be dealt with according to the laws of that State.

Another Case—$40,000 Stolen—A Broker Charged With the Larceny.

Just previous to the closing of the Tombs Police Court yesterday afternoon the particulars of another bond robbery were partially developed before Justice Dowling by the arrest of Edwin R. Lee, a broker living in Bergen, N. J., who was brought before the magistrate by detective Macdougall, of the Central Office. It will be remembered that on the afternoon of the 6th of August last a thief entered the office of the Star Fire Insurance Company, No. 96 Broadway, and stole from the counter a package of United States five-twenty bonds, amounting to $40,000, escaped with them. The stolen bonds belonged to Messrs. Jay Cooke & Co. Mr. Nicholas C. Miller, president of the Star Insurance Company, appeared before the magistrate and made an affidavit against Lee, whom he charged with the larceny, from the fact that the accused,