NEW YORK CITY.

THE COURTS.

UNITED STATES DISTRICT COURT—IN ADMIRALTY.

Decision.

Before Judge Blatchford.

The New York Submarine Company vs. The Schooner J. J. Furland.—The particulars of this case have been already reported. Judge Blachford has ordered a decree for libellants on $400, without costs.

UNITED STATES COMMISSIONER'S COURT—IN BANKRUPTCY.

The Valks Brothers Bankruptcy Case.

Before Commissioner White.

The United States vs. Valks Brothers.—The examination in this case was resumed yesterday.

Counsel for the prosecution put upon the stand witnesses from Newark, N. J., where the bankrupts carried on two grocery stores under the name of the "New York Tea Company." They testified that on the 14th of December, the day before the failure, the bankrupts transferred all the property in both these stores to Marx Lord.

Upon cross-examination by Edwin James they deposed that the sales at their stores averaged about $1,100 per week, and that they were supplied with groceries from the store of the bankrupts in Chambers street.

Mr. Taska was again examined as to the amount of his purchases from the bankrupts and the prices, the prosecution desiring to establish that the goods had been sold far below the market price. Mr. McKean proposed to adduce evidence of the sales by others of the bankrupts' stock at still lower prices. Objection made by counsel for the bankrupts and sustained.

The further hearing was adjourned until Monday, at eleven o'clock.

UNITED STATES COMMISSIONERS' COURT.

Alleged Illicit Removal of Whiskey.

United States vs. Thomas Meehan.—In this case, previously reported, the testimony for the government is all in. The defendant, it will be remembered, is charged with illicitly removing four barrels on which the tax had not been paid, from some unknown distillery, to a place other than a bonded warehouse—Ackerman's wholesale liquor store in Cedar street.

Meehan stated that he is a carman, living in Brooklyn; that he was hired by some unknown person to take the whiskey in question from a sidewalk in Brooklyn and deliver it at the place in Cedar street, which he did, not knowing what the barrels contained or anything else in reference to them.

A motion to dismiss will be heard on Tuesday, the 27th inst.

FIRST DISTRICT CIVIL COURT.

Important to Insurance Brokers.

The Corn Exchange Insurance Company vs. Henry Emmons, et al.—In this case, which was reported in the HERALD a few days back, Judge Quinn has delivered the following opinion:—

The facts proved in this case show, beyond any reasonable doubt, that the defendants, through one McLeod, an insurance broker, effected a policy of insurance on merchandise at No. 13 Spruce street, for $2,000. The premium was agreed upon at $40. The policy, dated May 7, 1868, was made out and executed by the company, and delivered to the broker, who presented it to the defendants and received from them the $40 agreed upon. The broker failed to pay the premium over to the company, and the company sue defendants for it, claiming that a payment to the broker was not a payment to it. The question thus presented on these facts is, can the broker be agent for both the assured and the underwriters at the same time? There has been a very careful and well-considered argument presented to me on this question. I have examined the authorities cited to me and do not find that they have much bearing upon the question. Generally speaking, a person cannot be agent for the two principals to a contract. He can only act for the person who employs him. But this rule has its limit and qualification, and is not absolute. Mr. Philips, in his "Treatise on Insurance," vol. 2, 1850, third ed., p. 531, says:—"The same person may be agent of both the assured and the underwriters, in cases where he acts as agent of the assured in making the contract with the underwriters and fixing its terms, he may then become their agent to deliver the policy to the assured and receive from him the premium." This occurred in this case. See the opinion of Mr. Justice Allen in case of the Utica Insurance Company vs. Toledo Insurance Company, reported in 17 Barbour, p. 176 (cited with approval by Chief Justice Denio in 4 Kernan, p. 92, Court of Appeals reports). The defendants are therefore entitled to judgment.

SURROGATE'S COURT.

Before Gideon J. Tucker, Surrogate.

Wills admitted during the week ending April 24:—Abel T. Edgerton, Henry Babad, Michael H. Lane, Edgar M. Brown, James Harper, Anton Schmid, Sarah Porteous, Lucinda Gambrill, Benjamin D. Brush, John Walsh, George F. Nesbit, Emily J. Housewright, William D. Smith, Michael Commins, Charles McDonald.

Letters of administration were granted on estates of Abel Downs, John Hynan, Felix Rone, Ebenezer Smith, Helena Saarback, Richard Vaughan, Horace Cooley, Deborah A. Findly, Catharine Douglass, William H. Frasse, George M. Wyhant, Louisa Chamberlain, Mary Hoffer, Elias F. Lang, Catharine McDonough, Charles A. Rogers, Bridget Heatherington, George Wennick, Albert Henry Smith, Elias Fountain, Susannah Colsey, John Adams.

SPECIAL SESSIONS.

Before Judges Dowling and Kelly.

There has rarely been as brief and dull a session of the court as on yesterday. On the calendar were only twenty-seven cases, of which nineteen were charges of petty larceny and eight of assault and battery. Nearly one-half of these pleaded guilty.

STREET CORNER GANGS.

Thomas Curtis, a very respectable looking young man, charged Wm. McNion, Arthur Kinnella and John Kurnan, also young men, with developing their brachial muscles upon him. According to his story he was passing, at three o'clock last Sunday, the corner of avenue C and Sixteenth street, when the accused pitched into him, tore his pants nearly off, hit him and otherwise maltreated him. The accused were remanded till Tuesday for sentence.

DEMAND FOR NEW YORK HERALDS.

William McDonald was charged by John Carter with stealing thirty copies of the NEW YORK HERALD. The accused was employed by the complainant, and, according to the statement of the latter, was given 200 HERALDS to fold, but only returned 170 of the number.

"Where is your place of business?" Judge Dowling asked the complainant.

"No. 190 Nassau street."

"You have a good many in your employ folding HERALDS?"

"Yes; from sixty to seventy persons."

"Is it it not possible, when there are so many folding HERALDS for you, that somebody else might have taken them—that there might be some mistake in the matter?"

"It is possible; but I do not think it probable."

"What do you say to this charge?" the Judge asked the prisoner.

"I never keep back a HERALD," he answered.

"This man looks like an intelligent man, who undoubtedly reads the HERALD, but, great as is the demand for that paper, would not steal it," said the Judge. "There is a doubt in the matter, and I must give him the benefit of it. I acquit him."

ALL ABOUT A DOG.

Dennis Ryan accused Daniel Burns of assault and battery. Burns keeps a liquor store in a basement in Broad street; Ryan keeps a sharp eye on wandering dogs. He picked up a fine canine specimen, went into Burns' place and offered the animal for sale.

"Offered him dog cheap, I suppose," interposed the Judge.

"Didn't have a chance to put a price on him before Burns pitched into me," answered Dennis.

"I asked him where he got the dog," interrupted Burns.

"And I told him none of his business, yer Honor," spoke up Dennis.

"I told him I knew the owner of the dog," continued Burns, "and he must wait till I could send for the owner."

"I told him to go to hell," again interrupted Dennis, "and then he commenced choking and kicking me. He struck all through my head. It's regular sore; swelled all my lip, but that's gone down."

"Gone down where?" interrupted the Judge.

"I had to run out for my life," continued Dennis.

"I don't see how you could run without your life," again interrupted the Judge.

"You are getting me all mixed up," impatiently spoke up Dennis.

"I see you are mixed," said the Judge. "I guess you were more damaged by rum than beating. I acquit the prisoner."

A BRAZEN DEFENCE.

David Roach, a brassy looking youth, was placed at the bar on the accusation of stealing about twenty pounds of brass from an unfinished house of Owen Muller. An officer testified to forming the acquaintance of the youth just after he had jumped from a window. The brass lay on the sidewalk.

"Did you steal the brass?" inquired the magistrate.

"Not a bit of it!" answered the juvenile, "I jumped from the window and the brass was lying by my feet."

"If the brass was lying there then, I guess you are lying now," said the Judge.

"I tell you the truth."

"How came you to jump out of the window?"

"It was the easiest and shortest way of getting out of the building."

"That's a likely narrative; a very brassy story you are telling."

"It's every word true."

"I send you two months to the House of Refuge."

"O, Lord! that's severe," exclaimed the boy, "and for doing nothing."

And weeping bitterly he was removed from the court room.

A WHIP OVER HIS HEAD.

The sword of Damocles hanging over the heads of more or less persons is thought to be a disagreeable pendant. Peter Rogers has a whip hanging over his youthful caput. John Greenfield testified to his stealing a whip from his wagon.

"He is a good boy to me and my only support," pleaded the aged mother of the youthful delinquent.

"In consideration of your aged mother," said the Judge, "I suspend sentence; but, remember, I shall hold this whip over your head, and if you are caught stealing again I shall bring it down with a heavy blow on your head and shoulders."

MUST RESTRAIN HIS BOATING PROCLIVITIES.

Benjamin Parker, who had been remanded for sentence on a charge of attempting to assist a prisoner in escaping from Blackwell's Island, by means of a row boat, was next called up.

"What's your business?" asked the Justice.

"Bookkeeper."

"What were you doing with a row boat?"

"Rowing for exercise."

"Boating is good exercise," said the Judge, "but you must keep away from the islands in the East river where the institutions are."

"I'll do so in the future," declared the prisoner.

"I guess you have been sufficiently punished by your several days' imprisonment and you can go now."

THE IMITATION OF SAMSON.

The boy, Charles Clarke, who was caught carrying away from 530 Broadway an iron gate, and was tried at the previous session of the court and remanded for sentence, was sent to the House of Refuge.

"Don't you pull down the pillars of the House of Refuge," the Judge said to him, "or a fate like that befalling Samson will overtake you."

THE TOMBS.

Mr. S. Salmon, living in Mayfield, Fulton county, this State, recited this morning before Justice Hogan a chapter in connection with his efforts to obtain a German and wife to take to the country to work on his farm. He was talking with a lately arrived Teuton, and perfecting in a very amicable and business way his proposed arrangement, when Charles Heindorf appeared on the scene.

"If we engage this man and his wife to go with you I must have my office fees," interposed Heindorf.

"I have nothing to do with you," answered the gentleman from the rural districts.

"We'll find you have something to do with me," continued Heindorf. "I want my fees."

"Fees for what?"

"This man and wife came to my intelligence office and I promised to get a place for them."

"I am getting a place for them."

"Don't care for that, I want my fees."

"Well, you won't get any fees from me," emphatically responded the Fulton county representative.

Mr. Salmon started up the street, the German and wife he had engaged keeping him company. Mr. Heindorf followed after them, still demanding his fees.

"Now, you leave me, you Dutch brute," at length spoke up Mr. Salmon, indignantly, at being pursued in this manner.

"You take that," said Heindorf, and he dealt Mr. Salmon a powerful blow on the temple, causing him to stagger and almost fall to the pavement.

Mr. Salmon did not turn the other temple to Heindorf, but called a policeman, who took Heindorf into custody. Such was the story Mr. Salmon gave to the Judge. Heindorf being allowed to say something in his defence made a lengthy statement. He acknowledged the striking, but said he could not help it at being called a Dutch brute. He keeps an intelligence office at No. 120 Greenwich street, and as such keeper, and having paid his license, he claimed he was only exacting his legal dues.

"When do you leave town?" said the Judge to Mr. Salmon.

"I did intend to leave to-night, but will stay a month if necessary to punish this brute," he answered. "I can give the best of city references as to my character and standing."

The prisoner was held to answer the charge.

SELLING ALE WITHOUT LICENSE.

Patrick Cullen, of 82 Mulbery street, was arraigned on a charge of selling ale without a license. The case took the usual course, giving bail in $100 to answer at the Court of General Sessions.

ALLEGED LARCENY.

David Isaacs was accused with stealing two pieces of empress cloth, of the value of fifty dollars, from the store 236 Canal street. He was committed to answer the charge.

CITY INTELLIGENCE.

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

	1868.	1869.		1868.	1869.
3 A. M.	40	54	3 P. M.	45	74
6 A. M.	42	52	6 P. M.	44	76
9 A. M.	42	57	9 P. M.	41	67
12 M.	43	70	12 P. M.	40	65

Average temperature yesterday 64½
Average temperature corresponding day last y'r. 42½
Average temperature on Friday 58
Average temperature corresponding day last y'r. 58⅝
Average temperature for the week 62½

ARRESTS BY THE POLICE.—The arrests by the police during the last week were as follows:—Saturday, the 17th instant, 260; Sunday, the 18th, 129; Monday, 19th, 216; Tuesday, 20th, 202; Wednesday, 21st, 194; Thursday, 22d, 219; Friday, 23d, 208. Total, 1,422.

ST JOSEPH'S PARISH.—A lecture will be delivered to-night by Rev. Dr. Parsons on the subject of "Religion and Patriotism," at St. Joseph's Roman Catholic church, corner of Sixth avenue and Fourth street, for the benefit of the parish school. The lecture will be followed by a sacred concert.

CUBAN LADIES' FAIR.—The Ladies' Fair to aid the struggling Cuban revolutionists will open at Apollo Hall on the 27th inst. The committee of ladies appointed by the Junta Patriotica de Cubañes to attend to the executive branch of the affair are busy at work in completing details, and they promise that no pains shall be spared on their part to render the exhibition worthy of the patronage of the public.

THE ASSAULT ON MRS. KINNEY—REARREST OF DALTON.—Yesterday morning John Dalton, who stands charged with inflicting dangerous injuries upon Mrs. Mary Kinney, of 519 West Fortieth street, by kicking her in the side and abdomen, as heretofore stated, was brought before Coroner Flynn by an officer of the Twentieth precinct and committed to await the result of Mrs. Kinney's injuries.

THE DEATH OF MR. WALTON.—It was yesterday ascertained that William H. Walton, who died in St. Luke's Hospital, as already stated, from the fracture of the skull, received his injuries by accidentally falling down a flight of stairs at the Stevens House, Broadway. The inquest over the remains has not yet been held. Deceased, who was a native of England, had been employed in the office of the Britian Consul.

THE RECENT STAGE CASUALTY.—Coroner Schirmer yesterday held an inquest at his office in the City Hall on the body of Hercules Atkins, the man whose death resulted from injuries received by being knocked down and run over corner of Broadway and Duane street, on the 15th inst., by stage 126, of the Broadway and Fourth avenue line. The evidence showed conclusively that the occurrence was purely accidental, and the jury accordingly rendered a verdict to that effect. John Haggerty, the driver, who had been arrested, was, therefore, discharged. The particulars of the case have heretofore been published in the HERALD.

HATCHWAY CASUALTY.—Coroner Flynn yesterday held an inquest at the New York Hospital on the body of Antoine Herdeman, the man whose death resulted from injuries received by falling through the hatchway from the ninth story to the lower floor of the sugar house corner of Washington and Vestry streets. Deceased, who was employed in the place, stepped upon the elevator, which was loaded with sugar, for the purpose of riding down. He was told not to do so, but, persisting in his efforts, fell and lost his life. The jury rendered a verdict of accidental death. Deceased was thirty years of age and a native of Germany.

JUSTICE DOWLING AND MR. BERGH.—A recent remark in the Court of Special Sessions by Justice Dowling, questioning the truthfulness of Mr. Bergh, has induced the writing of a lengthy letter by the latter gentleman to the Judge. Mr. Bergh recapitulates the principal cases brought by him before the Judge during the past three years, cites the statutes, quotes eminent legal gentleman as endorsing his interpretation of the word "creature," grows sympathetic on the turtle, extols a "gallant policeman," and in conclusion indirectly charges the Judge with having done that for which he might be impeached and in sending to the Court of General Sessions for trial in future all charges of cruelty to animals as being solely actuated by "resentment."

AN IMPOSTOR ON HIS TRAVELS.—For some time past a young scamp has been operating in this city and vicinity, obtaining various sums of money on false pretences. He falsely represents himself as the son of Samuel E. Morse, a merchant of New Orleans, and has called on merchants and others, saying that he had run away from school and arrived here destitute of money and in great distress, and begs for small sums until he can receive aid from his father. Among the victims of this fellow's operations are the following:—Messrs. A. H. Gale & Co., piano manufacturers; J. L. Morgan & Co., 47 Fulton street; F. H. Walsh, 26 East Tenth street; N. H. Allen, No. 577 Pearl street; Dudley Newton, 109 Mercer street; Wheeler, Merritt & Co., 215 Front street; W. B. Asten & Co., 25 Pearl street; S. Root, No. 3 Park place; L. P. Hawes, Eugene Vanderpool, of Newark; A. A. Hardenburgh, cashier Hudson County National Bank, Jersey City.

AN INTOLERABLE NUISANCE.—The residents of Third street have for a long time been annoyed by one of the most aggravated nuisances in the city. Between the Bowery and Second avenue, on the north side, are a number of livery stables, that not only stench the neighborhood, but take possession of the street. Every day, for several hours, the sidewalk is completely blockaded by hacks, trucks and horses placed across it while they are being washed down. No lady can pass through the street unless she takes the opposite side, and even then she is subjected to the loud jests and insults of the rude employés who congregate about the doors. There are ordinances covering the case, and the police are grossly derelict in not keeping the sidewalk clear of vehicles. Not unfrequently the sidewalks are covered with manure, which is allowed to lie for hours to offend the sight and smell of pedestrians and the occupants of adjacent houses.

POLICE INTELLIGENCE.

ALLEGED ATTEMPT AT BURGLARY.—At Jefferson Market yesterday Andrew Leaney and Jeremiah Shaunessy were arraigned and committed for trial on the charge of attempting, on the night of the 22d instant, to enter the dwelling house of Albert S. Rosenham, No. 313 West Fourteenth street. They were detected in the act by officer David Walsh, of the Ninth precinct, who made the arrest. The accused entered a plea of not guilty.

ATTEMPTED MURDER.—Before Mr. Justice Ledwith yesterday was arraigned at Jefferson Market Jeremiah McMillan, of No. 181 Elizabeth street, on the charge of atttempt to kill. The complainant, Elizabeth Smith, of No. 49 Bleecker street, charges that on Friday night last the defendant took a knife and attempted to cut her throat. The knife slipped and cut the complainant in the hand. The accused, who is aged seventeen years, a native of London and a member of the San Francisco Minstrel troupe, pleaded not guilty, and was committed for trial.

CHARGE OF BIGAMY.—A man named George A. Baker was arraigned before Justice Kelley, at the Yorkville Police Court, yesterday, on a charge of bigamy preferred by Sophia J. Van Ness, of No. 361 West Thirty-first street. The complainant testified that on the 3d of April she was married to the prisoner at No. 8 Little Twelfth street. She lived with the prisoner for some days, until she found out that he was married to a woman named Letitia Walker, at his residence in Jane street, on the 21st of January, 1864. The prisoner had nothing to say in defence and was committed for examination.

MAYOR'S OFFICE.

During the past week the business at the License Bureau has been very brisk; but the majority of the cases were not very heavy. Marshal Tooker, however, was kept "busy as a nailer" answering questions, cross-examining and disposing of the cases before him, while Messrs. Daly and Hart were as busy as they could be entering the cases on the book and taking charge of license and permit papers which came up from below. Some five hundred or more cases were adjudicated upon, $4,226 were recovered for persons who had been fleeced by sharpers of various kinds, $336 50 were received for license fees and fines, and 165 licenses were issued, as follows:—Express wagons, 14; venders, 35; public carts, 49; dirt carts, 24; porters, 7; drivers, 34; carman, 1; coach, 1.

Among the many cases which came before the Marshal during the week apparently the most important was taat of Drs. Scott and Tripp, of the "New York Medical University." The affair has been fully stated in the columns of the HERALD during the week, but within the past day or two nothing new has transpired and the case remains to be disposed of. No time has been set down for the examination, but it will in all probability be held during the coming week.

A BARBER-OUS PROCEEDING

was revealed by the complaint of a young man named Jake Oppenheim. Jake stated, "I went to a man what keeps a barber shop at Little Twelfth street and Tent avenue to learn the 'barber trade,' and the man wanted turty dollars for to learn me, and I did'nt have no money, and I said I would go and ask the old man."

MARSHAL TOOKER—What old man?

JAKE—The old—my father.

MARSHAL TOOKER—When you mean your father you must say "your father;" we don't want any "old man" business of that kind here, and only that I suppose your father would be the loser if you've been swindled, I wouldn't listen to you. Now go on and be more respectful when you speak of your father again.

JAKE—Well, the barber wouldn't let me go until I'd give him two dollars for security that I'd come back; and I didn't have no two dollars and so he made me give him my watch, and when I told the old —— my father aoout it, he wouldn't gi' me any money to gi' the barber, and the barber he wouldn't gi' me my watch.

MARSHAL TOOKER—Shaved you out of your watch, eh?

The complaint was entered on the book, and a notice sent to the watchful clipper of hirsute appendages, which had the effect of bringing Mr. Barber—man to time and his time-piece to the disrespectful Jake.

DENYING THE AUTHORITY OF THE MAYOR

or his representative the First Marshal, seems to be a favorite plea on the part of incipient attorneys. Several fledgings of the law have been before the Marshal on business either as defendants or as counsel for some defendant, and when they opened proceedings by informing the Marshal that they denied the authority of the Mayor's Court, Mr. Tooker very quietly said—"Very well, let the case go at that. Major Hart (to his assistant), just mark on the complaint book Mayor's authority denied, and if this gentleman understands the law better than Mr. Hall, we're satisfied. You may go now. We'll send for you again when we want you, and I guess you will come."

This generally acts as a settler, and the "limbs" generally conclude to withdraw the objection "for the present, and first see what is in the case." It may be news to some of the young men aspiring to legal distinction that Mayor Hall has had prepared regular bench warrants, to be issued when requisite from the Mayor's Court. These warrants will accompany a stalwart officer from the court, who will act as escort to a person whose presence is desired by the Mayor or his Marshal.

A CURIOUS CASE OF FIGS

was brought up on Friday by a licensed vender, who stated that he bought some three hundred weight of the commodity from Badeau & Lockwood on the representation that the figs were all as good as the sample box. Those exhibited at the Marshal's desk looked like a mixture of well used tobacco or some Jersey peat before it had gone through Drake's machine. Messrs. Badeau & Lockwood were sent for, and they appeared with an attorney, who put in the plea and with the result above mentioned.

Having concluded to withdraw the objection the attorney slung in his law Latin, and exclaimed:—"Caveat emptor." (Let the buyer beware.)

MARSHAL TOOKER—"Very well; I shall advise complainant to expose the figs for sale, and shall then notify the Board of Health of the condition of the article as being detrimental to the public health."

This view of the case was not relished by the defendants, and they agreed to make amends to the complainant.

GETTING A HUSBAND OUT OF PRISON

got a young lawyer into trouble. The lady in the case charged a young lawyer with swindling her out of twenty-five dollars, as, according to her story, he promised to get her husband out of prison and did not do it. She told her story somewhat as follows:—"I goed by dis lawer offis and I dold him dat I vant he shall gate my hoospand owet fon de brison—owet fon de Dombs—and I geiv him dwenty tollar dat he shall gate some von vot goes dat pail for my hoospand, und mine hoospand owet von de brison, und he told me dat I shill gate dat man vot goespail pall for my hoospand.

THE LAWYER (interrupting)—The bail was good for nothing; he——

Complainant—No, sir; dot pall vas goot, und vos fyev hunter tollar pail, und dis mon (pointing over her shoulder, with her right thumb at the lawyer,) he say dot he vos no goot reel-state broberty mon, und he dold me dot I shill geiv him fyev tollar dot he go und get reel-state broperty mon, und den I gived him fyev tollar dot he git dot reel-state broberty mon, und he don't got him, und he don't got my hoospand owet of brison, und so I goed by another low-yer, und now he don't geiv me my monish vot he sheat me, pecose he don't got my hoospand owet of brison.

The young lawyer claimed that he was conducting the case; that the woman was laboring under a mistake, prompted, no doubt, by her new attorney. The case was set down for a hearing on Monday at noon.

A large number of miscellaneous matters, including complaints against pawnbrokers, a few against hackmen, truckmen and cartmen, were disposed of. It would seem, however, that the licensed people have generally come to the conclusion that it is safer and cheaper in the end to obey the ordinances and keep on the white side of the Marshal's book.

Thomas Nocton, owner of coach No. 873, who was informed by the Marshal that he should get a shawl which mysteriously disappeared from his carriage or lose his license, did not return and report to the Marshal, so he has been allowed until to-morrow noon to report.

The portion of the office assigned to the License Bureau is much too small and a change which has been in contemplation for some time will soon be commenced. It is purposed to remove the office of the Clerk of the Board of Assistant Aldermen to the rooms formerly occupied by the County Clerk, and to fit up the former for the Mayor's Court. This change will be found most efficient, as many abuses may be corrected by the prompt adjudication practised by the Marshal, which could not be dealt with in the civil or criminal courts without expense and delay, which most of the complainants in those cases cannot afford.

GROSS OUTRAGE BY A POLICEMAN.

About eight o'clock last evening officer Connors, of the Broadway squad, observed Richard Conroy, a clerk in a Broadway hotel, conversing with a young woman named Nellie King, living in Robinson street, near Greenwich. The officer, it appears, endeavored to get the girl away from Conroy, and on the female protesting he made a furious attack upon the clerk, cutting him severely. An officer of the Fourteenth precinct, on the corner of Grand and Elizabeth streets, where the fracas occurred, arrested Connors and Conroy, but on finding that the former was an officer released them. Connors then arrested his antagonist and took him before Inspector Jamison, at the Central Office, on the charge of disorderly conduct. The clerk proved by Miss King that the officer was the assailant. She further represented to the Inspector that the policeman had endeavored to entice her into a house of ill repute. Mr. Jamison promptly discharged the clerk.

THE WESTERN UNION TELEGRAPH COMPANY AND THE CALIFORNIA PRESS.

In resistance to an effort to crush out a single newspaper and to establish upon the Pacific coast a most odious and oppressive monopoly, I appeal as a last resort to an enlightened public opinion, and especially to the American press, upon whose sense of justice I feel that I can confidently rely.

HENRY GEORGE.

The following protest will explain itself:—

ATLANTIC BUREAU SAN FRANCISCO HERALD,
NEW YORK, April 21, 1869.

To the EXECUTIVE BOARD WESTERN UNION TELEGRAPH COMPANY:—

GENTLEMEN—I have been notified by your vice president that the arrangement under which the San Francisco *Herald* Press. is now receiving news over your wires will be terminated on the 1st of May, and that thereafter new rates will be charged, which rates have been fixed by a contract made between your agent and four California papers, constituting the newspaper association known as the California Associated Press. These new rates, which increase the cost of the *Herald* report 122 per cent at a single stroke, have been evidently framed and urged upon you for the purpose of crushing out that paper and giving to the four favored papers a virtual monopoly of Eastern telegraphic news.

This is a proceeding so repulsive to every idea of justice and fair dealing, so subversive of every principle of private equity and public policy, so short-sighted as regards your own interests, so wanton as regards the interests of others, that I cannot bring myself to believe that you are fully informed of the facts in the case, and therefore request that, while protesting against your contemplated action, I may be permitted to lay the facts before you.

Let me preface with a few words explanatory of the relative position of the California papers interested in this matter. The Eastern news is the news of the world to California. It is not possible for a first class paper to exist without receiving this news, so long as its rivals get it, and as you control all the wires between the Atlantic and Pacific States it is not possible to obtain this news except through you. During the exciting times of the war the San Francisco *Alta* and *Bulletin* and the Sacramento *Union*, which formed a combination upon the establishment of your first line in 1861, possessed a virtual monopoly of Eastern telegraphic news, and as a consequence throve exceedingly and crushed out all opposition. Subsequently, after considerable agitation of the matter, and efforts to call to it the attention of Congress, a more liberal policy was adopted by you, and, taking advantage of this, and of the more liberal policy then pursued by the Associated Press of New York, the San Francisco *Times* succeeded in obtaining news despatches of its own; and when every effort to prevent this had failed, it was taken into the combination, which now consists of the *Alta*, *Bulletin*, *Union* and *Times*.

This combination have spared no effort to prevent the *Herald* from getting Eastern news. They refused to sell it news themselves, and by their influence upon the Eastern Associated Press (their agent in the East being the General Agent of the New York Association) prevailed upon that association to also refuse to sell it news. Nevertheless the *Herald* started on the 20th of January last, and in spite of all efforts to prevent it has hitherto published regular despatches, which, to say the least, have been as full, late and reliable as those published by the combination. As a last resort they have directly invoked your aid to crush the *Herald* and establish their monopoly, and this aid your agents have agreed to give.

Under the present arrangement the four papers are paying you $2,500 in gold per month, or $625 apiece, for the transmission of a daily news report of 1,000 words from Chicago to San Francisco, which is used by them in common; the *Herald* is paying $900 in gold for 500 words from New York to San Francisco, used by it alone. Under the new agreement which has been made between you and the combination they are in future to take 2,500 words a day, for which they are to pay you $3,333 a month, while you agree with them to charge the *Herald* $2,000 per month for its 500; or, in other words, you agree with the combination to institute the following schedule of prices:—

FROM CHICAGO TO SAN FRANCISCO.

	Gold, per Month.
500 words daily	$2,000
1,000 words daily	1,500
2,500 words daily	3,333

Which rates are to be charged irrespective of the number of papers to whom the report is delivered, be it one or many.

The schedule which you adopted in 1867, and upon which basis the arrangement with the *Herald* was made, is as follows:—

FROM CHICAGO TO SAN FRANCISCO.

No. of Words.	One Paper.	Two Papers.	Three Papers.
250	$600	$900	$1,200
500	800	1,200	1,600
1,000	1,200	1,800	2,400

In the present arrangement some little modification of this took place. For the fourth paper of the combination (the *Times*), you only added $100 to the price for 1,000 words of news, and before the HERALD started you agreed that the price to it should be $900 for 500 words from New York, or $750 from Chicago.

Between the old schedule and the one which you have promised the California combination to adopt the first and most striking difference is that the one recognizes the principle that a single paper should not be compelled to pay as much as a number of papers, which principle is totally ignored in the new schedule. It is only by a recognition of this principle that any competition in the newspaper business in California becomes possible. The prices which the California papers pay for telegraphic tolls are so enormous, as compared with their field and their receipts, that it is not possible for a single journal to maintain opposition, if it is compelled to pay as much for its news as all the others combined; and thus the only way to prevent the telegraph from being used to establish a most odious and oppressive monopoly is either to charge each paper a certain price for its news, to adopt a sliding scale, such as was adopted in your old schedule, or to permit no exclusive combinations, and while charging but one price for news, whether delivered to many papers or to a single one, to make it a condition that any newspaper combination which seeks to take advantage of this shall admit to a share of the news any other paper which is willing and able to bear its proportion of the joint expenses. The essential justice of this last method is nominally recognized in your recent agreement with the California Association, as the justice of a sliding scale is substantially recognized in your schedule of 1867. You have provided in your agreement that the combination to whom you give a virtual monopoly of telegraphic news shall sell 500 words per day to any paper which will pay them $1,000 a month for this. But this proviso merely adds insult to injury. It would be "rare old news" that the opposition paper would get for its share, even if it should consent to pay its rivals for 500 words of news more than they pay individually for five times the amount! Imagine the New York *World* doling out news to the *Herald*, or the *Tribune* dependant on the *Times* for its telegraphic dispatches. As every newspaper man knows the five hundred words will never be called for, and the standing offer is only a standing joke.

It may be said that the HERALD, or any new paper is perfectly free to form partnerships with other papers not now receiving the news, and to thus enjoy the same advantages which you give the present combination. This is as though a railroad company should tell a single passenger whom it refused to carry that he still had his inalienable right to walk, or, if he chose, was perfectly free to join with others and build a new railroad. The fact is (known to all who are conversant with the subject) that the five papers who are now receiving Eastern news are the only papers in California which can afford to pay the prices you charge for telegraphing. Should you adhere to your present policy, new papers will start, as the development of the country goes on, which will be able, after a while, to form new combinations; but the new schedule, if enforced, will not only crush out of existence the only opposition paper now published, but effectually prohibit the establishment of any others.

There is, however, another difference between the two schedules which is hardly less striking than the one to which I have alluded; and which alone is sufficient to show that the purpose for which you have been induced to adopt the new schedule is to give the four papers comprising the California Association an absolute monopoly of the business. And that is the difference between the prices fixed for a small number of words as compared with the price charged for a larger number.

Under the old schedule the price, starting from that fixed for 250 words, is increased 33⅓ per cent for the first increase of 100 per cent in the number of words taken, and 50 per cent for the second increase of 100 per cent in the number of words. Or starting at the price fixed for 1,000 words, it falls 33⅓ per cent for the first reduction of 50 per cent in the number of words, and 25 per cent for the second reduction of 50 per cent in the number of words.

Under the new schedule, starting from $2,000 for 500 words, the price is advanced on 25 per cent for the first increase of 100 per cent in the number of words, and only 33⅓ per cent for the second increase of 150 per cent in the number of words. Or reversely, starting from 2,500 words, a reduction of 75 per cent in the number of words secures a reduction of only 25 per cent in the price, while a further reduction of 50 per cent in the number of words secures a reduction of only 20 per cent in the price. This can have but one effect, and but one object, viz., to aid monopoly by giving the combination of newspapers which can take a large amount of news an overwhelming advantage over the single paper which can only take a smaller amount. Under your new schedule four newspapers in combination get each 2,500 words daily for $3,333 a month, or $833 a piece; but the single paper which they refuse to admit to their association cannot get for a thousand dollars 100 words a day. That is, you will charge this single newspaper (if the ratio of your schedule is preserved) more per word for 2,000 words a month than you charge transient customers for ten word despatches, with address and signature appended. Could anything be more unjust?

Look for a moment at the difference in the manner in which the enforcement of the new schedule will effect the papers obtaining news over your wires. You raise the price to the *Herald* 122 per cent and give it nothing in return. You raise the price to the combination 33 1-3 per cent, and give them in consideration 150 per cent more news.

At present rates the *Herald* is paying 6.92 cents per word for its news; you propose to raise this price at one stroke to 15.35 cents per word. The newspapers of the combination pay 2.1 cents per word; you reduce this at the same stroke to 1.28 cents. Can a newspaper which must pay fifteen and one-third cents in gold for each word of its news compete with papers which only pay a little over one cent a word? Can a newspaper which has to pay $2,000 per month for 500 words of despatches run side by side with one which only pays $833 for five times that amount? The idea is preposterous. Energy and enterprise will do a good deal; they have in this case done a good deal against heavy odds, but they cannot accomplish impossibilities; and if you insist upon taking up the fight for the California Association and making this discrimination you kill the *Herald* just as effectually as though you denied it the use of your lines on any terms. You give the four papers of the California Association as complete a monopoly, present and prospective, as though they had it by valid legislative grant.

And again, look at the matter merely as it affects your pecuniary interest. You are now receiving $30,000 a year from the combination, and $10,800 from the *Herald*—a total of $40,800 annually for the transmission of $1,500 words. Besides this the competition between the papers causes the sending of special and private despatches, which considerably increase your profits, and the gross sum would be before long increased by new papers which would start in a free field. But by the monopolizing arrangement which you have made you cut all this off; you kill all opposition to the combination, destroy all competition and get only $40,000 a year for 2,500 words, instead of $40,800 for only 1,500 words. You actually undertake to kill the *Herald* and prevent future competition, at a loss to yourselves; to do more work for less money for the sake of giving certain favorites a monopoly!

When the very lowest and most selfish motive is thus wanting, when you thus consent to crush enterprise, not merely for no gain to yourselves, but at a positive loss to your stockholders, how can your action be accounted for, except as prompted by the very lust of overgorged monopoly?

Look at the equities which ought to subsist between you and the men who have been led to invest their capital in the newspaper enterprise which you now propose to crush. The *Herald* was not started until your terms had been fixed, and its projectors would not have dreamed of starting it had they had the remotest idea that your terms would have been increased. You now propose to more than double those terms; to charge them so radically as to kill this enterprise before it is three months old; to cause a loss of every dollars that has been invested upon your assurance. Such a course would disgrace and dishonor among his fellows, a very "shyster;" the lowest huckster would blush to be charged with it. What then shall be said of such a course on the part of the Great Western Union Telegraph Company, with its ramifications extending through all parts of the land, performing as it does the most delicate and important functions with which any corporation can be charged?

If you follow this course what can be said, except that you have lured men to their own destruction; have induced them to invest their savings in a business, which three months after you wantonly destroyed; have caused others to abandon old situations and take new ones, only that you might in three months after throw them out of employment?

This crushing out of a newspaper may be a small thing to the Great Western Union—mere pastime to its managers—but it is a very different thing to the men who are to suffer by it. You may escape legal penalty, but you will be arraigned before the bar of public opinion, not only in California, but in every part of the country where the facts are known, and will be adjudged guilty without an extenuating circumstance. You may, it is true, give a convincing proof of your power over the press; but surely this is not needed. The newspapers of California, which hardly dare notice the incorporation of a rival company, and dare not endorse a public measure of which you disapprove, are subservient enough already.

Permit me to say, in recapitulation, that if you persist in giving the proposed monopoly to the California Association you will be doing a great private wrong and a great public wrong. You will destroy a private business enterprise, started upon a belief in your good faith, as speedily and more completely than earthquake or conflagration could do the work; you will crush an able and successful public journal as thoroughly and quickly as mob violence could crush it. You will restrain the liberty of the press and prevent the establishment of new papers as popular sentiment calls for them as effectually as any press law which could be devised. You will say to the largest political party in California that it shall have no organ of its views worthy of the name of newspaper. You will deprive of employment a large number of men, cut off from some of them the hope of an honorable and successful career, and all this to your present pecuniary loss, to the positive injury of your stockholders, and at the risk of exciting against your company a strong and bitter sentiment, which will call loudly for such legislation as that which your president, at the last session of Congress, so earnestly opposed.

And allow me to take the liberty of reminding you that the telegraph, which has become a necessity of individual and social life, is not merely private property, to be used to build up certain individuals or crush others, as whim, caprice or selfish interest may dictate; it is a great public trust to be administered for the benefit of the whole community. Especially is this true of the lines which connect the Atlantic with the Pacific