# THE COURTS.

## Important Proceedings in the Courts Yesterday.

**An Old Alabama Claim Suit—The Custom House Drawback Frauds—The Fugitive Caldwell—The Gowan and Wetton Divorce Cases—General Twiggs' Swords—Grand Jury Presentment—Sentences Against Carrying Concealed Weapons.**

UNITED STATES DISTRICT COURT—IN ADMIRALTY.

**An Alabama Claim Case.**

Before Judge Blatchford.

The motion in the case of Cushing et al. vs. John Laird, the younger, came on for final argument in the United States District Court, in admiralty, before Judge Blatchford. The suit in which the motion was made was brought by the owners of the American ship Sonora to recover the damage sustained by them through the destruction of their vessel by the Alabama, which was built and fitted out by John Laird, Jr., the Clyde shipbuilder. Laird's property in this country was attached to abide the issue of the suit. The motion mentioned was made on behalf of Laird to have the attachment set aside and dissolved. After hearing argument by Mr. T. C. Buckley, in favor of the motion, and by Mr. Caleb Cushing, in opposition, the Court took the papers, reserving its decision.

**The Drawback Frauds—Caldwell to be Arraigned.**

*The United States vs. R. B. Caldwell.*—The defendant in this case, as is known, is charged with having been the prime mover in the drawback frauds which have engaged the attention of the courts for so long a time, and attracted, besides, the interest of the government and the public at large. His arrest, examination on an extradition warrant, his discharge and subsequent avoidance by a strategy of rearrest in the Montreal court room will be remembered. It seems that the authorities are still after him, as with him lies the whole yet undiscovered secrets of the extensive drawback frauds on the revenue through the Custom House. He has not yet been rearrested, but the officers are on his track, and it is only a question of time as to when he shall make his appearance to answer the charges that are preferred against him.

UNITED STATES COMMISSIONERS' COURT.

**The Anderson Counterfeit Case.**

Before Commissioner Shields.

*The United States vs. John Anderson.*—The defendant is charged with passing a quantity of fifty cent currency stamps (counterfeit) upon a number of dealers and storekeepers in the Second avenue. The particulars of the case have already appeared in the HERALD. A number of witnesses were yesterday examined before the Commissioner, but in the absence of others whose testimony was required the case was adjourned to Monday next.

SUPREME COURT—GENERAL TERM.

**Appeal from a Judgment—Alleged Breach of Covenant.**

Before Judges Ingraham, Barnard and Brady.

*Augustine W. Daley vs. John Ericsson.*—This was an appeal by defendant from a judgment in favor of the plaintiff on a verdict rendered at the Circuit. The action was commenced in August, 1866, and tried at the New York March Circuit, 1868, before Judge Morgan. It appeared, according to the complaint, that on the 8th of December, 1846, Charles Dimmock, William A. Spark and Francis B. Deane, Jr., recovered a joint judgment in the New York Superior Court against John Ericsson, the defendant, in an action for breach of covenant, for $3,013 11. In 1847 plaintiffs therein filed a creditor's bill against the defendant, who, in November of that year, paid $1,000 on account of the judgment, the plaintiffs consenting to suspend proceedings in that suit. Spark, one of the plaintiffs, died in 1848. Dimmock, also one of the plaintiffs, died in October, 1863, and Deane was left sole surviving plaintiff, and, in 1866, assigned the judgment and balance due thereon to the plaintiff in this action. The answer admitted the judgment, but denied everything else.

After hearing the arguments of counsel the Court reserved its decision.

SUPREME COURT—SPECIAL TERM.

**The Gowan Divorce—Decree of Divorce Opened.**

Before Judge Cardozo.

*Mary E. Gowan vs. John Gowan.*—This case, which was fully reported in the HERALD, has been so far decided by the Court setting aside the decree obtained against the defendant and giving him liberty to deliver his answer denying the charges of adultery, upon certain terms—namely, that the defendant pay the taxed costs, and also pay to the plaintiff alimony at the rate of fifty dollars a month pending the suit.

SUPREME COURT—CHAMBERS.

**The Wetton Divorce Case—A Hitt at the Times.**

Before Judge Barnard.

*Charles A. Wetton vs. Margaret Wetton.*—In this case Judge Barnard rendered judgment. It was a motion to set aside the judgment of divorce granted some time since, on the ground that the order for the publication of the summons was void because of the insufficiency and that the proceedings were fraudulent.

Judge Barnard, in rendering his decision, said that the section 135 of the Code provided for the publication of the summons in actions for divorce in the cases prescribed by law where the defendant could not be found after due diligence, within the State, and that fact appeared by affidavit to the satisfaction of the Court. He was entirely satisfied that the proceedings were regular, and that the judgment was valid so far as the first ground of motion went. As to the charge of fraud, he was of opinion that the defendant had wholly failed to sustain it. He was satisfied that since May, 1866, they have been practically divorced; that she was a woman of bad character and that she was guilty of adultery. The proof upon that point was overwhelming. The plaintiff since the divorce had married a lady of high character. The marriage ceremony had been performed on the 1st of September last in the presence of four hundred or more persons and in the most public manner. It was published in the leading newspapers of this city, though the defendant claimed it was not until November last that she discovered it. Her own story of herself, the affidavits she produced and the answering papers convinced him that the divorce separating the parties should not be disturbed. The second marriage must be regarded as valid, and under all the circumstances to set it aside would be to inflict irreparable injury upon a wholly innocent party, because the last marriage was contracted by the lady who was his present wife upon the faith of the divorce, and if the defendant failed to keep her residence in such a locality as to enable the plaintiff to ascertain her whereabouts, or if she failed to receive the copy summons and complaint, or to see the publication in two of the leading newspapers in this city, those failures are not the fault of the present wife nor of the plaintiff, and must be borne by the defendant, whose story was a strange one. She said in May, 1866, because of the plaintiff's adultery, which he denied, she left him, and that they had not cohabited since; she did not pretend she had from that time to this regular employment, but was in the habit of receiving from him in the street and in other public places the pittance of five dollars, ten dollars and twenty dollars, now and then; that she was in great want, yet never sued for a divorce, and she said she went out of the city at plaintiff's request. The more he (Judge Barnard) reflected upon the case and examined it the better he was satisfied that justice had been done as well as it could be administered by human laws, which, although imperfect, were the only ones governing in those cases. What those administering or preaching divine plans would do under similar circumstances he did not know, and, judging from examples, they did not. The motion must be denied.

SUPERIOR COURT.

**The Twiggs Swords—General Butler Ordered to Show Cause Why He Shall Not be Attached—Opinion of Judge Freedman.**

Before Judge Friedman.

It will be remembered that a few days since a motion was made in the Special Term of the Superior Court for the issuance of an attachment against General Benjamin F. Butler for having disobeyed an order of one of the judges of the court commanding him to appear and undergo an examination before trial in an action then pending. Judge Freedman has now rendered an opinion in the case, in which, after reviewing it at some length, he holds that, although the case is one entitled to be removed into the Circuit Court of the United States by compliance with the provisions of the statute, yet the verification of the defendant's petition for that purpose is informal, and the cause is therefore still in the Superior Court, and the parties subject to its jurisdiction. In his opinion delivered on the motion Judge Freedman says:—"The filing of a petition, properly verified by an affidavit valid in law, is indispensable, and it has been held by the General Term of the Supreme Court, in Jones vs. Seward, 41 Barb., 269, that when this requirement has been complied with it is the duty of the State court to desist from proceeding further in the cause. Assuming this to be so, and it having been made to appear that a petition has been filed by the defendant with the view of obtaining the benefit of this Congressional enactment, the only question which can arise on this motion is whether the petition is properly verified so as to entitle the defendant to use and rely upon it in opposition to the motion. After a careful examination of the statutes of the United States, as well as of this State, which designate the officers before whom affidavits may be taken and which provide for the authentication of the jurats of such officers, I have become satisfied that the verification of the petition on the files of this court is insufficient for that purpose. The affidavit annexed to defendant's petition was sworn to before one Robert B. Caverly, residing at Lowell, in the commonwealth of Massachusetts, who certified the same under his hand and seal as an alleged commissioner for the State of New York, appointed pursuant to the laws of 1850 and 1857 of said State herein before referred to; but there is no certificate of the Secretary of State subjoined or affixed thereto. Not being sworn to by a person authorized by Congress it cannot be read in evidence in any court of the United States (Haight vs. The proprietor of the Morris Aqueduct, 4 Wash. C. Ct., 601), and not being authenticated by the laws of the State of New York it cannot be used here, for the statute of 1850 provides not only that it shall not be read in evidence, but also that it shall not be used for any purpose whatsoever. In either respect of the case the defendant has failed to comply with the essential provisions of the law, upon the strict compliance with which the validity of his entire affidavit depends. He, therefore, has not complied with the requirements of the act authorizing the removal of the case into the federal courts, and consequently the action has not been removed, but is still pending in this court. Under these circumstances the plaintiff is entitled to an order requiring the defendant to show cause why an attachment should not issue.

SUPERIOR COURT—SPECIAL TERM.

**Decisions.**

By Judge Barbour.

*Samuel Kimmelstell vs. Manly A. Britton.*—Motion granted.

*Peck vs. Odell.*—Motion granted, without costs.

*Miner vs. Steward.*—Same.

*Murphy vs. Second Avenue Railroad Company.*—Same.

*Caldwell vs. Clev.*—Motion granted and receiver appointed.

*Carpenter vs. Strong et al.*—Motion granted.

*Cuyer et al. vs. Bonne et al.*—Same.

*Grant et al. vs. Cot et al.*—Motion granted, without costs.

*Burt vs. Demhempt.*—Same.

*Harris vs. Macaulay.*—Same.

*Keep et al. vs. Belden et el.*—Motion granted.

*Lombard vs. Heath et al.*—Motion granted and cause referred.

*Trask, Jr., vs. the Great Western Insurance Company.*—Same.

*Goodkind vs. Keller.*—Case, with amendment, settled and filed in clerk's office.

*Robinson vs. Atkin.*—Motion to vacate order of arrest denied, with leave to renew on payment of ten dollars costs on further papers.

*Prentiss vs. Bronne et al.*—Motion dismissed, with five dollars costs.

By Judge Freedman.

*Rowena Florence vs. Benjamin F. Butler.*—Motion granted.

*Mary M. Townshend vs. Charles Gould, Jr., et al.*—Findings settled and judgment signed and filed in clerk's office.

*Same vs. Same.*—Extra allowance of $50.

COMMON PLEAS—SPECIAL TERM.

**Decision.**

By Judge Van Brunt.

*Derby vs. Hartmann.*—Motion denied, without costs, with leave to renew on termination of the appeal in Superior Court.

COURT OF GENERAL SESSIONS.

**Presentment of the Grand Jury Relative to Concealed Weapons—Legislative Aid Invoked.**

Before Gunning S. Bedford, Jr., City Judge.

Shortly after the opening of the Court yesterday morning the Grand Jury brought in a number of indictments, and the foreman addressed the Court as follows:—

YOUR HONOR—It has been decided by the Grand Jury that a presentment should be delivered to the Court this day, so that it may be acted upon as quickly as possible. There is a bill now brought into the Senate of the State of New York with regard to the carrying of concealed weapons—that is, loaded pistols and other firearms. The Grand Jury have taken the matter into consideration, and they have drawn up a presentment, and beg that your honor will have it forwarded to Albany as soon as possible, so that the matter may be taken up and acted upon as quickly as the Legislature can possibly act upon it. That is the reason why this presentment is now placed before you at this early stage of our proceedings.

Judge BEDFORD said that the request of the Grand Jury would be attended to.

The following is the presentment:—

The Grand Inquest of the January term of the Court of General Sessions of the city and county of New York respectively present to the court that some legislative action is much needed to diminish the practice of carrying loaded firearms concealed about the person; and they understand that a bill, of which a copy is appended, was passed by the Assembly last session, but failed in the Senate; and in the judgment of this Grand Inquest the provisions in the proposed enactment are judicious, and, particularly, the provisions of the third section are well suited to attain the end in view.

They therefore request your Honor to forward to the Legislature now in session the presentment, with such opinion as it may please the Court to add.

BARNET L. SOLOMON, Foreman.

LUCIUS S. COMSTOCK, Secretary.

NEW YORK, Jan. 13, 1870.

A HOST OF YOUTHFUL BURGLARS SENT TO THE PENITENTIARY.

The City Judge proceeded to sentence those prisoners who were remanded during the week.

William Welsh and Daniel Donohue, who pleaded guilty to an attempt at burglary in the third degree, were each sent to the State Prison for two years.

John O'Neill, who pleaded guilty to an assault with intent to rob, was sentenced to the Penitentiary for three years in consequence of his youth.

John Green and Charles O'Neil, who pleaded guilty to an attempt at burglary in the third degree, were sent to the Penitentiary for two years.

Augustus Schmidt, who was charged with burglariously entering a liquor store in East Thirty-ninth street on the 7th of this month, with an intent to steal property, pleaded guilty. He was sent to the State Prison for four years.

William Davis pleaded guilty to burglary in the third degree, the indictment charging that on the 29th of December he burglariously entered the house of Jules Pixfax, No. 8 West Fourteenth street, and stole $200 worth of silver ware. His Honor sentenced this youth to the Penitentiary for four years, and remarked that it was sad to perceive that every prisoner charged with burglary on the calendar was about seventeen years of age.

A SAILOR SENT TO THE STATE PRISON FOR STABBING A CITIZEN.

Peter Hamlin was tried and convicted of an assault with a dangerous weapon, with intent to do bodily harm. Wm. Burns, the complainant, testified that early on the morning of New Year's day, while passing through Madison street, he was stabbed in the shoulder by the prisoner, without any provocation on his part. The complainant expressed his desire to withdraw the charge, the wound not being serious; but the prosecuting authorities refused to grant his request, believing that the interests of society demanded the punishment of parties who are reckless of human life.

Judge Bedford, in passing sentence, said:—"Hamlin, you have testified that you are a sailor and have followed the sea for six years. If this be so you are not a true type of that profession. Sailors are generally brave, noble fellows, with generous instincts. They never carry the slungshot, for that is the coward's weapon. From the evidence I believe you are a desperate character, and have no doubt of your guilt. The sentence of the court is that you be confined in the State Prison for the term of five years."

A PLAYED OUT GAME.

William L. Bogart, against whom were five complaints for obtaining money by false pretences, was tried upon an indictment charging him with procuring fifty dollars from William Robinson about the 22d of December, 1868, by making certain false statements to him which induced him to part with his money. Robinson stated that thirteen months ago the defendant (who was a decrepit old man) called at his house in Twenty-ninth street and said he had been in Liverpool and learned that Mr. Robinson's cousin, who went to California to dig gold, proceeded to Melbourne, Australia, where he acquired a good deal of money; that he returned to Liverpool with the intention of coming to America, but took sick and died there; that he (Bogart) was a Freemason and that his cousin was one also; that he had a lot of merchandise which was consigned to him (Robinson) by his cousin, and that if he gave him fifty dollars to pay the expenses of bringing the property here it would be delivered to him. The defendant subsequently informed him that the captain of the ship had smuggled some of the goods. Believing these representations, Robinson gave the old man fifty dollars, and that was the last he saw of him till a short time ago, when he caused his arrest. Judge Bedford, in his charge to the jury, gave a very clear statement of the law applicable to this offence. After a verdict of guilty had been rendered, his Honor complied with the suggestion of Mr. Fellows that "the old sinner" be sent to some place where he would have a good home and be kept from obtaining money by false pretences. The sentence was imprisonment in the Penitentiary for one year.

THE ALLEGED BOND SWINDLE.

Judge Ledwith has rendered the following decision in the matter of the complaint of Cornelius W. Campbell against A. T. Sawyer, J. J. Bowman and Samuel W. Ropes:—Having heard all the testimony in the prosecution I have concluded to discharge all the parties accused, as the complainant has failed to establish his allegations of fraud or attempted fraud against the parties charged. As to Mr. Sawyer the testimony clearly established the fact that he acted as counsel for Mr. Bowman and not otherwise. The complaint is, therefore, dismissed.

# NEW YORK CITY.

## MOVEMENTS IN THE METROPOLIS.

**Another Mysterious Murder—Identification of a Railroad Victim—A Midday Robbery—A Conscientious Prosecutrix—After the Coterie—Assaults, Robberies, Burglaries and Miscellaneous Matters.**

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

| | 1869. | 1870. | | 1869. | 1870. |
|---|---|---|---|---|---|
| 3 A. M. | 35 | 26 | 3 P. M. | 45 | 33 |
| 6 A. M. | 35 | 23 | 6 P. M. | 43 | 35 |
| 9 A. M. | 35 | 24 | 9 P. M. | 42 | 33 |
| 12 M. | 45 | 28 | 12 P. M. | 41 | 31 |

Average temperature yesterday ..... 29½

Average temperature for corresponding date last year ..... 40½

Four lots on south side of 130th street, 100 feet west of Third Avenue, have recently been sold to the Third avenue Railroad Company for $5,000 each, for a railroad depot in connection with the Third avenue front.

The next lecture in the free course of scientific lectures for the people, at the Cooper Union, will take place in the great hall, this evening, at eight o'clock P. M. The subject of the lecture is "Fishes and Reptiles, their Structure and Natural History." Professor Adrian J. Abell will be the lecturer on the occasion.

The Empire Base Ball Club, one of the oldest and most prominent amateur organizations, will have an election for officers on Monday next at the Study. This club should be in a prosperous condition, but owing to the lukewarmness of many of the members it is rather behind in its settlements. An effort will be made to remedy the evil at the meeting, which will no doubt be largely attended.

A total eclipse of the sun will occur on next Monday morning, January 17. This eclipse will not be visible in this latitude, but visible in part at Chicago, Ill.; also wholly or partially visible at points west of that city, as at St. Paul, Omaha, Sitka, in Alaska; Sacramento and San Francisco; visible also in Asia and Europe. The moon will be full in New York at forty-nine minutes past nine A. M.

The editor of the Spanish journal in this city, Don Jose Ferrer de Couto, was summoned lately to Havana on important business, and left yesterday. Before his departure he was made the recipient of a banquet at Maillard's, on which occasion the Spanish Consul, Señor Balbino Cortes; Señor Ceballos, Señor Antonio Gonzalez, J. and R. Vega, and some fifty other Spanish residents, were present. There was considerable speechifying, and the departing editor was flattered and complimented on every side.

The body of the lad run over corner of Forty-fifth street and Fourth avenue by a train of cars belonging to the Harlem Railroad Company has been identified as that of Thomas Duffy, eleven years of age, who lived with his parents at No. 347 East Seventeenth street. The remains were horribly mudilated, the body being nearly cut in two by the car wheels. Coroner Keenan was notified to hold an inquest at the Morgue where the remains were conveyed by the Nineteenth precinct police immediately after the occurrence. The circumstances under which the accident took place will be developed at the official investigation.

According to a police telegram received at the Central Police Office, from Captain Garland's precinct, at forty-five minutes after noon yesterday, it appears that yesterday afternoon four gentlemen, dressed in the height of fashion, entered the office of Minturn, Brown & Co., 115 Pearl street, and announced that they desired to make some purchases. While the proprietors were showing three of them their staples the fourth discovered $500 lying loose upon a desk. He was not slow to transfer it to his pocket and join his companions, who bade the occupants of the place "Good day" and took their departure. A few minutes after the "country dealers" had gone the robbery was discovered and reported to the police, but the thieves had escaped.

Information was received at the Coroner's office yesterday afternoon that George Stoll, a German, thirty-two years of age, had died at his residence, 124 Delancey street. On Christmas eve deceased was in the lager beer saloon of Darius Agnot, 123 Delancey street, when three strangers came in and wanted some beer, but the proprietor told them it was too late and that all his beer was out. Beer was finally served them, but they refused to drink it and were ordered out, deceased assisting in ejecting one of them. In doing so he was stabbed in the right side of the neck. Stoll did not see a knife in the hands of the man; he put out and did not know who stabbed him. The ante-mortem statement of the victim was taken two or three days after the occurrence, which developed the above facts. Charles and Edward Albright, brothers, who were in the saloon at the time of the affray, were secured as witnesses, but liberated on bail. No one seems to know the name or whereabouts of the person who inflicted the fatal wound. The case will be further investigated to-day or as soon as the attendance of the necessary witnesses can be secured.

### POLICE INTELLIGENCE.

A man named Henry Strauss, a pedler, of Eldridge street, walked up to the store door of Robert Curry, 55 Leonard street, yesterday afternoon, and with a book in his hand, as though he were employed by the firm, picked up a large packing case, containing seventy-five dollars' worth of suspenders, and walked away with it. He was immediately apprehended and committed by Justice Cox to answer.

Detective Dolan, of the Sixth precinct, apprehended two men, giving the names of George Beesley and William Schlissenger, having in their possession a quantity of damp linen, supposed to be stolen while suspended for drying. The linen is principally ladies' underclothing and bed linen. Any persons having recently lost this description of property may probably hear something about it by giving information at the Tombs or at the Sixth precinct station house. The men were brought before Justice Cox and were temporarily committed to answer.

Detective Blackwood, of the Ninth precinct, yesterday morning arraigned two brothers named William C. and George Mason, residing at 708 Greenwich street, before Justice Shandley, at Jefferson Market, upon complaint of Joseph Spienystien, of 130 Charles street, charged with burglariously entering his premises at the above number on Thursday afternoon, by means of unlocking the door with a skeleton key, and stealing money and clothing valued at $1,000. They were remanded to the station house until this morning.

A respectably dressed man, named Charles Vogner, was brought up in custody of officer Cooke, of the Broadway squad, charged, on the complaint of Charles Gile, a German, who could not speak a word of English, of 101 Seventh street, with stealing a satchel, containing property of the value of fifty dollars, from Chambers street ferry, about half-past four o'clock on Thursday morning. He was brought before Justice Cox yesterday, at the Tombs, and held to answer.

At the Tombs Police Court yesterday two young women, named Kate Clancey and Sarah Simpson, were brought up before Judge Cox by detective McKeever on a charge of picking the pocket of the sister-in-law of Justice Shandley, at Taylor's dry goods store, in Broadway, on Wednesday last, and stealing a ring and other property of the value of about $200. The lady, though morally certain that these were the women who had robbed her, had conscientious scruples about swearing it, and therefore the prisoners were discharged, with a caution.

A stylish, good looking man, named Bearman, better known as "Johnny Bearman," and in connexion with "Colonel Billy Mulligan," who raised a regiment of men during the war, and whose headquarters were at Houston street, was arrested on Thursday night at the ball at the Academy of Music for defrauding Mr. Alexander Stetson, of the Astor House, of a sum of money. Bearman worked with Hartmann, who collected subscriptions for a bogus deputy sheriff's bereaved family. The latter has been committed to the General Sessions. Bearman was brought before Mr. Justice Cox on the above charge, and the examination is fixed for this morning at ten o'clock.

A man named Edwin H. Smith, a bartender by occupation, was yesterday arraigned before Justice Bixby, at the Yorkville Police Court, charged with committing an aggravated assault upon an elderly man named Patrick Malloy, residing in East Forty-ninth street. It appears that Smith raised a disturbance with Malloy in a liquor saloon upon Second avenue, and that he (Smith) followed him out and beat, jumped upon and otherwise injured Malloy, making a compound fracture of the unfortunate man's leg. Malloy was unable to appear in court, but detective Hamill, of the Nineteenth precinct, made a charge against Smith, and he was committed to await the result of Malloy's injuries.

A seaman named William J. Mahony yesterday appeared before Justice Bixby at the Yorkville Police Court and charged a hack driver named John Sommers with robbing him of $100 in money, an overcoat and a baggage check. Mahony is a sailor recently returned from sea, and on Wednesday night he proceeded to the Harlem Railroad depot for the purpose of proceeding to see his friends in Massachusetts. He took his ticket for Boston, and while waiting for the train he fell in with Sommers, who took him out to drink. Mahony became overcome with his potations and laid down to take a sleep in the hackdriver's room. When he awoke he found the above-mentioned property stolen, and being suspicious of Sommers he caused his arrest. When taken before Justice Bixby the evidence against Sommers appeared to be conclusive, and he was held to answer in default of $1,000 bail.

A report has been given out to the effect that the Union League Club held an election on Thursday night, at which, it is said, the following officers were elected:—President, Jackson S. Schultz; vice presidents, William Cullen Bryant, George Griswold, Cyrus W. Field, William A. Booth, William T. Blodgett, Thomas B. Van Buren, Alexander T. Stewart, Peter Cooper, William J. Hoppin, Charles Butler, William H. Fogg, Theodore Roosevelt; secretary, J. Langdon Ward; treasurer, George Cabot Ward; executive committee, Le Grand B. Cannon, Salem H. Wales, John H. Hall, Charles L. Tiffany, Joseph H. Choate, John Armstrong, Cornelius R. Agnew, Richard Butler, Charles Denison, Charles G. Judson, Henry Clews, Adrian Iselin, John F. Kensett, Edward M. Townsend, Henry F. Hitch. The Committee on Admissions is headed by N. Pendleton Hosack; on Publication, by Rush C. Hawkins; on Library, by Peter McMartin, and on Art, by George P. Putnam. The Auditors are Messrs. Budd, Niebuhr and Davidson. It is also said that reports were read which showed that the club has now 1,083 active and 350 honorary members; that its receipts for the year were $75,000; that its expenditures for furniture and improvements amounted to $11,000; for the discharge of an old debt $19,000; and that the club has $5,000 now on hand.

# THE BON-BON WAR.

**Views and Opinions of the Candy Makers—Suggestions for the Protection of the Public—An Indignant Bon-Bonniere—One Thousand Dollars Challenge.**

> Gorgons, and hydras, and chimeras dire. —*Milton.*
>
> Strange all this difference should be,
> 'Twixt tweedledum and tweedledee. —*Byrom.*

TO THE EDITOR OF THE HERALD:—

In your editorial article in Friday's paper on the adulteration of confectionery your suggestion is the only really sensible move that has been made in the right direction. Let us have a commission appointed, of good men and true, who will do the work without fear or favor. Let them visit all the establishments, large and small, that manufacture confectionery; let them obtain samples, and particularly of the opaque candies, bon-bons and lozenges—the transparent candies not being so easily adulterated—and have the samples from the different stores carefully marked, so that no mistake can occur; have them analyzed by a first class chemist and inform the public of the result, so that they may know where they can buy pure, wholesome articles. Let this commission remain in force and make their visits at irregular periods throughout the year, and particularly just before the holidays, when such large quantities of sweets are consumed; then let every party guilty of adulteration be held up to public shame through the medium of the press. You have a "Society for the Suppression of Cruelty to Animals." Why not have one to protect men, women and children? In fact, the same society already organized might do the work. There are such commissions in Paris. Why not have them here? Human life and health is just as valuable in New York as in Paris. But my impression is that many men who have made large fortunes in a few years have made it by practising the very rascalities they now so loudly condemn and try to foist on to the shoulders of some poor devil who is trying to rise, probably by self-denial and hard labor, quick sales and small profits, simply because his success has interfered with their profits.

> All seems infected that th' infected spy,
> As all looks yellow to the jaundiced eye.
> But let the gilded pill be white,
> Every dog must have his day.

There is no doubt of adulteration being practised, and to a great extent, and mainly by the large manufacturing establishments, who do a wholesale business, and it may be by small manufacturers also; but to say because a confectionery article is sold at a low price it must necessarily be impure is all "bosh." Good, wholesome confectionery can be made cheap and pure. Cream bon-bons, opaque and transparent candies, mint and rose drops, butter taffy, &c., can be produced, good and pure, at from twenty-five to thirty-five cents per pound. Here is an example:—The ingredients for cream bon-bons, or fondant, are, or ought to be, simply sugar, water and flavor. The creamy, soft texture is only the result of the degree to which the sugar is boiled, and the manipulation it undergoes on the marble after it is boiled. Now we will count the cost of a twelve pound batch of fondant, or cream bon-bons:—Twelve pounds of sugar, at sixteen cents per pound, one dollar and ninety two cents; water, nothing; flavor—lemon oil, rose water, orange flower water, vanilla extract, wintergreen, sassafras, cinnamon, sufficient for the batch, fifteen cents; labor and fire twenty-five cents. The fondant being now made we will cast it into shapes or bon-bons and chrystallize them; for the labor and fire for this we will allow fifty cents. The sugar to crystallize them with, say eight pounds in syrup, the bon-bons will take up full one-half in shape of crystals, increasing the weight of the batch four pounds, making in all sixteen pounds, the four pounds of sugar costing sixty-four cents; the four pounds of syrup drained off and left is used in the next operation. Now we have the whole cost (without including rent,) $3 46, and we have sixteen pounds of bon-bons, which, at thirty-five cents per pound, produce $5 60, leaving a profit of $2 14 on the batch; and you have a pure article—to be sure not any better or worse than you would have if you simply took a piece of loaf sugar and flavored it with a drop of lemon or other extract.

This example is only given to show that a pure article can be made of ordinary confectionery, good and cheap. Now if in the above batch it flavor very highly and use otto of roses, the vanilla bean, neroli, jasmin, pistache or other very expensive flavors, such as peach pulp, strawberry, raspberry and pineapple juices, which are worth from two to three dollars a bottle, I increase the cost to more than double the above calculation, and the price of the bon-bon is increased accordingly.

By all means, Mr. Editor, let us have the commission and break this thing up. Let them visit Broadway, Mercer street, Wooster street, Bleecker street, Greenwich street, Duane street, Cortlandt street, Staten Island, and, in fact, all factories, large and small; examine closely and find out what eats the marble slabs on which the fondants are made into holes; inquire of the marble masons in the neighborhood of the Bowery and find out whose marbles have been most frequently replaced. You will then know who is who and what is what.

By giving this article a place in your valuable paper you will oblige a practical confectioner of forty years' standing. JAMES W. PARKINSON.

**A Wooster Street Dealer Speaks.**

TO THE EDITOR OF THE HERALD:—

A few days back parties who are jealous of my success in underselling them and taking a large quantity of the Broadway candy trade to my more humble quarters in Wooster street caused articles and letters to be placed in your valuable paper calculated to destroy my business, from the fact that as they said my candies were poisonous and impure. In answer I would say that I have been four years at No. 16 Wooster street and that I defy them to prove one iota to that effect, and invite members of the trade to inspect my stock, and am willing to place $1,000 in your hands, which I am satisfied to forfeit, if the least impurity is found in any candies of my manufacture. C. HUMBERT,

No. 9 Wooster street, New York.

# THE CASE OF DR. SCHOEPPE.

**He Denies His Identity with the Berlin Schoeppe—Declarations of Three Citizens of Carlisle, Pa.**

The following letters will explain themselves. They are in relation to the article in the HERALD of last Sunday containing revelations translated from a letter of Professor Gneist, of Berlin, seriously damaging the reputation and character of Dr. Schoeppe, as will be remembered. The first is a letter from the Doctor, as follows:—

CARLISLE, Pa., Jan. 12, 1870.

F. C. MORTON, M. D.:—

DEAR SIR—I just received the copy of the HERALD. I saw the letter which it contains. Steps were immediately taken to refute this slander. There is a certain class of people in your city who are operating with my persecutors against me. One of my attorneys, when in New York eight days before Christmas, brought this intelligence from New York here, and now the shell has exploded. As I am very much in a hurry I send you here enclosed a declaration of three respectable German citizens of this town, in German. Please have it published in the HERALD. In great haste. Yours, &c., P. SCHOEPPE.

Enclosed was the following declaration, which is translated for the benefit of the readers of the HERALD:—

TO THE EDITOR OF THE HERALD:—

From reports in several European papers we have seen that the person of Dr. Paul Schoeppe, now here charged of murder by poisoning, is being identified with a certain person of the same name, who was accompanied from Germany by a bad reputation. We, the undersigned citizens of this country, emigrated from Germany, do herewith declare that the above statements of the European papers rests on the mistaken identity of the persons. We know Dr. Schoeppe personally in Germany, and, from reliable sources, as a thoroughly respectable and honorable man, whose character is free from the accusations which are made against the person mistaken for him. We feel in duty bound to make this declaration in accordance with the truth, and to ask you to kindly publish this, our declaration, in your valuable journal.

LEWIS FABER.
F. KRAMER.
PETER KAFFENBERGER.

CARLISLE, Pa., Jan. 10, 1870.

# A RAID ON THE BROKERS.

## The Internal Revenue Tax to be Levied.

**The Brokers Caving In—One Hundred and Thirty-three Suits Compromised and Penalties Paid.**

The long mooted question as to the liability of brokers to pay the tax of one-twentieth of one per cent on all sales transacted by them had a practical solution yesterday. The point was first raised nearly a year ago by the then assessor of the Thirty-second district, when he claimed that brokers were liable to a tax for all the sales transacted by them, whether on their own behalf or in the interest of others. The matter was submitted to District Attorney Pierrepont, who sustained the assessor's view of the law, and on appeal to Commissioner Delano that official sustained Mr. Pierrepont's decision. Under these circumstances the broker fraternity had to make a virtue of necessity, and yesterday Mr. Webster, ex-assessor, and Mr. R. W. Andrews, counsel for the brokers, called at the District Attorney's office for the purpose of making the necessary arrangements to compromise one hundred and eighteen suits which had been commenced some time ago against recalcitrant brokers. Although the tax on each may appear small, the magnitude of the transactions in which these parties are engaged is such that it is estimated that nearly ten millions of dollars can be annually raised by a proper enforcement of the law as regards the tax upon the brokerage business.

Mr. Phelps, Assistant United States District Attorney, representing Mr. Pierrepont, received Messrs. Webster and Andrews. The former named gentleman said that 133 brokers had settled the cases as against them, and that 118 others had expressed their willingness to comply with the law.

The following named brokers have paid penalty for non-payment of the tax, and have pledged themselves to the observance of the law in the future:—

Kamlah, Sann & Co., J. M. Hartshone & Bros., L. T. Hoyt, R. M. Ferris & Bro., F. D. Cobb & Co., E. L. Cutting & Co., A. B. Hayles & Co., Whitehouse & Co., Harnett, Parker & Co., Edward Brandon & Co., Belkman Bros. & Hollins, John Bloodgood & Co., Gray, Prince & Co., Delkerin, Cox & Kingers, Meyer & Greve, Weston & De Rhles, C. S. Sloane & Co., C. A. Clerys & Son, Clapp & Garnett, S. Shotts & Bro., John McJunsey, W. H. Whittingham, Howard Hapsley, Matthew Sherman, Blake & Co., W. P. Elleray, Haray & Searles, P. J. & A. Amour, Robert Lemeyster, Ives & Johnson, D. A. Boody, Foster & Randall, Chapen, Bowman & Day, Osborne & Commack, W. H Worthington, G. B. Tilford, O'Brien Brothers, L. G. Florence, Robert Walker, Hunter & Bros., Avanit & Co., Gould, Strong & Co., Rufus Hatch & Co., J. A. Underwood & Son, Johnson & Day, Albert Frank & Bro, Parlee & Titus, L. H. Foot, Rasmus & Lesignog, E. H. Dearborn, Day & Morse, Thomas Dunnant & Co., Justh & Co., Hall & Barr, D. Henry Smith, Stead, Stone & Co., W. R. Travers, Newcomoe & Cook, T. N. & W. B. Laurance, Meserole & Trumbull, Tower & Learned, Baker & Ketchum, Darker & Gillespie, H. K. Wilson, Dater & Tompson, Gregorie & Day, D. K. Morrison, August Leubert, Eugene Thompson, Shuzresamp & De Wolf, Underhill, Haven & Co., George & Samuel Bowne, Hoyt & Gardner, Wolverz & Co., Newton, Russel & Co., Palmer & De Forest, E. H. Bulkley & Co., Patcher Bros., Fuller, Treat & Co., M. W. Rodgers & Co., A. D. Williams & Co., Carman & Co., John Brownell & Bros., Durant & Earle, Lockwood & Davenport, E. F. Rook, Benjamin & Dickinson, Budge, Scniff & Co., Heath & Co., Halleck & Spaulding, Kidd, Price & Co., Lawrence Bros. & Co., De Long & Dyatt, Donnell & Nichols, Lloyd, Hamilton & Co., Loutler & Co., Hutchinson & Bross, Whitney & Wilson, Adams, Kimball & Moore, Chapman & co., Swann & Payson, Jameson, Smith & Colleug, John Bonner & Co.; Dean McJunness & Co., D. C. Hays & Co., H. M. Cahoose & Co., De Cappell, Rogers & Co.; W. & J. Taylor, Searles V. Miller, F. F. & H. L. Gleott, Moran & Gould, White, Morris & Co.; Bradford & Stanton, J. Newell & Co., Delafield & Fitch, D. F. Lockwood, E. S. Munroe & Co., Thomas Reed & Co., Robbins, Powell & Co.; Perman & Hoy, White, De Fralies & Rathbone, William B. Mott & Co., Ortney & Dougherty, J. N. Perkins & Co., C. R. St. George, Cora & Auterman, Marquand, Buts & Co., Taussig, Fisher & Co., Glaton & Busnig, J. L. Taylor & Hooper, F. T. Walker, C. H. Kimball & Co., H. A. Bostwick, Fanshaw & Mulligan, Stout & Dickinson, Pullman, Raymond & Co., Wadsworth & Co., Maxwell & Greves, A. V. B. Van Dyck.

# SMALLPOX.

## Instructions and Admonitions from the Board of Health.

The following document from the Board of Health, in regard to the loathsome disease which is now somewhat unnecessarily creating a great deal of anxiety and excitement, will be read, no doubt, with much interest:—

METROPOLITAN BOARD OF HEALTH, Jan. 14, 1870.

Rumors and anxieties concerning smallpox, many of which are exaggerated and erroneous, make it our duty to give full information in regard to the character and extent of its prevalence. A complete knowledge of the facts should put an end to needless fears, and at the same time help to secure more scrupulous attention to vaccination.

At the beginning of July last there remained only one small district in which vaccination had not been so completely performed as to render the spread of smallpox impossible. That district is comprised between Errington and East Sixteenth streets and First avenue and the East river. It is a remarkable for the density as it is for the peculiarity of its population, and it is owing to these facts that smallpox became epidemic for a time in this small district after its school children and the infants had been generally vaccinated. Nothing short of the revaccination of many thousands of the adult population in the Eleventh and Seventeenth wards could have prevented the recent outbreak there. By such revaccination of this vast mass of population in the East Houston district the progress of the contagion has been quickly brought under control. This little district constitutes less than one-twentieth part of the area of the city; it