THE COURTS.

Important Proceedings in the Courts Yesterday.

The Raid on the Brokers—Further Payment of Penalties — Sub-Treasury Frauds—A Gunpowder Explosion—Murder Case in the General Sessions—Mrs. Utt on Trial for Her Life—Address of Assistant District Attorney Tweed.

UNITED STATES COMMISSIONERS' COURT.

Retailing Liquor Without a License.

Before Commissioner Shields.

The United States vs. M. J. Coffee.—The defendant in this case was yesterday arrested on a warrant charging him with selling and retailing liquors without paying the usual license provided therefor by law. Bail was given in $500 to appear on Monday next for examination. The defendant was then discharged from custody.

The Hoffman Distillery Case.

The United States vs. Hoffman and Others.—The examination in this case, which has now occupied the Commissioners' Court for several days and which was adjourned over from Friday last to yesterday was further adjourned till this morning at eleven o'clock, in consequence of a professional engagement of Mr. Joseph Bell, counsel for the defendants.

The Raid on the Brokers—Voluntary Payment of Penalties.

United States Commissioner Shields has had the question of the liability of brokers for the payment of a tax on their whole business transacted by them for some time before him. As already reported in the HERALD, a large number of the brokers of the city accepting Commissioner Delano's solution of the vexed question as the right one, paid in the various amounts of penalty, attached to their names. During yesterday Messrs. Joseph Bell and Ethan Allen, counsel for the brokers, have, on the part of various clients, also accepted the inevitable and paid the several penalties affixed to the names of the firms during the pendency of the controversy. The action of the revenue officers with regard to the levy of one-twentieth of one per cent upon all capital actively engaged in business has had a marvellous effect upon the parties coming within the meaning of the act. There is not a doubt (or if a doubt did exist the brokers ought at least to get the benefit of it) that they themselves, one and all, would from the first have willingly paid the tax had it not been a mooted question as to whether they were liable or not. That question once settled and penalties adjudged for non-payment of the same during the existence of the controversy being made known, the brokers are readily coming forward and paying the penalties and making returns of the amount of capital operated on by them for future taxation. One firm yesterday paid a penalty of $800, the highest levied, the general run being $400 and $200.

The Alleged Sub-Treasury Frauds.

Before Commissioner Osborn.

The case in which Henry A. Allen, keeper of the Sub-Treasury building in this city, is charged with having defrauded the government by means of false vouchers, has been pending before the Commissioner for several weeks, with no other result than a series of adjournments. District Attorney Jackson yesterday asked that the whole case be indefinitely postponed, meaning that the government has incontinently failed to make a case against the accused.

SUPREME COURT—GENERAL TERM.

Alleged Fraudulent Concealment as to Territorial Extent.

Before Judges Ingraham, Barnard and Brady.

George N. Titus, Respondent, vs. George Brisbane, Appellant.—This was an appeal from a judgment of foreclosure and sale of premises in Irving place, rendered on the report of a referee. The action was brought for a foreclosure of a mortgage of $15,000, made by the defendant to the plaintiff upon the house and lot in Irving place, as part of the consideration of the sale by plaintiff to defendant of the premises in the spring of 1865, the sale being for $25,000.

The defendant, in his answer, sets up an alleged fraudulent concealment by the plaintiff from him of the actual territorial extent of the premises sold, and that thereby the defendant was deceived as to such territorial extent, and was led to believe that the premises extended back from Irving place twenty-five feet further than they really did. He also alleged damage to the amount of $10,000, which he set up as a counter claim. The plaintiff denied all fraud or concealment, and contended that when the defendant made the final cash payment, $5,250, took his deeds and delivered the mortgage in suit he well knew the exact territorial limits of the premises. The action was referred to a referee, who found in favor of the plaintiff, from which decision the defendant now appealed.

The Court affirmed the judgment.

Important Question of Partnership—The Right of a Firm to Its Own Property.

Tracey R. Edson, Appellant, vs. the American Bank Note Company, Respondent, and the American Bank Note Company, Respondent, vs. Tracey R. Edson, Appellant.—This was an appeal from two judgments of a referee. The first of the actions was brought by the appellant to recover for the use of a certain ink known as the "green tint" in the printing of United States legal tender notes and bank and other notes between 1863 and 1864. The second of the actions was brought by the company to recover from the appellant moneys received by him from the company for the use of the tint in question prior to April, 1863. It was set forth that in 1857 Edson acquired the property in question by purchase and that it was subsequently brought into requisition by the firm with which he was connected, he being paid a stipulated sum for its use. In April, 1858, the several firms and individuals engaged in bank note printing, including Edson's firm, entered into articles of association for the purpose of consolidating the business and organized the American Bank Note Company. Edson claimed that when the company was formed the ink in question was his sole property. But his right to compensation was in 1860 questioned and brought before the board of directors and finally the question was tried before a referee. The American Bank Note Company in their answer to the complaint in the final action and in their complaint in the second claim that whatever right the plaintiff had to make or use the green tint in the business of bank note printing was transferred to them and they became its exclusive possessors by virtue of certain articles of association under which the organization was effected. The actions were tried at the same time and upon the reports of the referee judgments were entered dismissing the complaint in the first action with costs and in favor of the plaintiff in the second for $54,411 02 besides costs. Appeal is now made against both judgments.

The arguments of counsel commenced yesterday and have not concluded.

SUPREME COURT—CHAMBERS.

Decisions.

By Judge Cardozo.

Reicherter vs. Schemloh.—Judgment for plaintiff.

Salma B. Hall vs. Eliza Alcord.—Motion for attachment denied. No costs.

Elliott C. Cowdin vs. C. K. Smith.—Judgment for plaintiff on demurrer, with leave to defendant to answer in twenty days, on payment of costs.

A. J. Lang vs. A. S. Heath.—New receiver appointed.

Julia Schmidt vs. Theodore Schmidt.—Order granted.

In the Matter of the Petition of the Miller Estate.—Application refused.

SUPERIOR COURT—TRIAL TERM—PART I.

Injuries by a Gunpowder Explosion—Were the Agents of the Defendant Guilty of Negligence?

Before Judge Jones.

Rudolph Furth, Jr., an Infant, by Rudolph Furth, Sr., his Guardian, vs. Thomas Foster.—The complaint in this action alleges that the defendant, on or about the 3d of November, 1866, had on his premises, No. 700 Second avenue, corner of Thirty-eighth street, a large quantity of gunpowder, which he directed his servants to remove. On the day specified the process of removal went on through Thirty-seventh street, when, through the alleged negligence and carelessness of the defendant's servants, a large portion of the gunpowder was scattered in several places along the street; that the plaintiff in this case, who is only fourteen years old, in consequence of the gunpowder having become ignited by contact with a small fire in the said street, was severely burned and injured by the explosion of the combustible material to an extent as to greatly disfigure him and impair his health. The answer sets up negligence and carelessness on the part of the plaintiff, and denied that any blame was to be attached to the defendant or his agents. On the trial the testimony on behalf of the plaintiff went to show that the gunpowder was deposited in a rusty can which had two holes in it. The defendant proved that he placed the can in the hands of a man named Monahan, with directions to take it and throw it in the river; that the can was broken in the cart while being conveyed to the river, a portion of the powder scattered around, and that a number of boys picked it up and caused its ignition by going too near the fire which was burning in the street, thereby causing the injuries complained of.

Judge Jones took the case from the jury and granted a motion to dismiss the complaint, on the ground of contributive negligence on behalf of the boy.

SUPERIOR COURT—TRIAL TERM.

"Dust Thou Art and Unto Dust Shalt Thou Return."

Before Judge Freedman and a Jury.

Catharine Kranz, Administratrix, vs. George Koch et al.—The plaintiff in this action claims that her husband, while engaged in carrying sawdust from defendant's sawmill, had occasion to pass through an alleyway, on both sides of which was piled a large quantity of mahogany wood, which fell on him and injured him to such an extent that he died in two days after. Plaintiff now seeks to recover $5,000 damages. The defendants claim that it was not through any negligence or carelessness on their part that the accident occurred, but it was owing to a severe frost, by which the level of the ground, on which the timber rested was affected, causing it to fall down.

The jury brought in a verdict of $2,000 for plaintiff.

SUPERIOR COURT—SPECIAL TERM.

Alleged Breach of Contract.

Before Judge Barbour.

The Chapman Slate Company vs. John Galt.—The plaintiffs claim that at the defendant's request they delivered to him a quantity of slate which amounted to $1,407, which amount defendant refuses to pay, on the ground that the slate was of an inferior quality, and that the contract was consequently violated by the defendant. Defendant further alleges that the plaintiffs were to furnish him with a first class slate, and that they were to sell it to no one in the State of New York but him, he to act as their sole agent in this State. For the breach of contract and the damages sustained plaintiffs now seek to recover $15,000. The case came up on a motion to strike out the answer as shown, which motion was denied by the Court.

Decisions.

By Judge Barbour.

Ann Hardnett vs. McPherson Smith et al.—Motion for new trial denied, with costs.

B. Waterbury vs. Clifton Bolton et al.—Motion granted.

Price J. Potter vs. Joseph A. Miller.—Same.

Massachusetts Mutual Insurance Company vs. James Carpenter.—Extra allowance of twenty-five dollars granted.

Claus Buckhaffer vs. George W. White et al.—Motion denied.

Robert L. S. Hall vs. A. T. Britten.—Motion dismissed.

The Chapman Slate Company vs. John Galt.—Motion denied, with ten dollars costs.

Second National Bank of Chicago vs. Minott M. Silliman.—Motion granted.

Samuel Berg vs. Isidor Bluscover.—Motion dismissing complaint granted, with ten dollars costs, unless plaintiff proceeds without delay to try the issues before the referee.

COMMON PLEAS—SPECIAL TERM.

Decisions.

By Judge Daly.

Gillihan vs. Spout.—See opinion.

Barncleugh vs. James Poolman.—Motion for receiver granted.

Bovest vs. Norrel et al.

By Judge Van Brunt.

Kiefer vs. Thomas.—Motion granted. Order to be settled on notice.

Hillyer vs. Rosenberg.—Motion denied, with ten dollars costs to abide event.

By Judge Loew.

Coleman vs. White.—Motion for reference denied.

Underwood vs. Goedecke.—Motion denied, without costs.

COURT OF GENERAL SESSIONS.

Trial of Ellen Rebecca Utt for the Alleged Murder of Thomas H. Barrett—Opening of Assistant District Attorney Tweed—Testimony for the Prosecution.

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

After some preliminary business was transacted Ellen Rebecca Utt (who had a nursing infant) was arraigned on the charge of murder in causing the death of Thomas H. Barrett. Assistant District Attorneys Tweed and Fellows appeared for the people and Mr. Charles S. Spencer defended the prisoner. About an hour was spent in empanelling a jury, after which Mr. Tweed opened the case for the prosecution by giving a clear, interesting statement of the facts which the prosecution expected to prove Mr. Tweed said:—

MAY IT PLEASE THE COURT—GENTLEMEN OF THE JURY—You have been empanelled and sworn as jurors, and it now becomes my duty, as associate prosecuting officer, to present to you for your consideration the case of The People vs. Ellen Rebecca Utt, the prisoner at the bar, who was arrested on the 12th day of September last, charged with inflicting a stab wound on the person of Thomas H. Barrett. The affray occurred on the day of the arrest, and the day following, September 13, Barrett died from the effects of the wound, and, as we charge, received by him at the hands of this prisoner. The prisoner was detained in custody on the findings and recommendation of the coroner's jury, and on the 12th day of November was indicted by the Grand Jury for the commission of the crime for which she is now on trial—murder.

The moral definition of that fearful word "murder" is patent to us all. The legal and statutory definition is as follows:—"The killing of a human being without the authority of law;" and is divided into three classes—first, when perpetrated from a premeditated design to effect the death of the person killed, or of any human being; second, when perpetrated by any act imminently dangerous to others, and evincing a depraved mind, regardless of human life, although without any premeditated design to effect the death of any particular individual; third, when perpetrated without any design to effect death by a person engaged in the commission of any felony.

It is unnecessary for me, gentlemen, to make any remarks regarding the elements of law essential to perfect the crime of murder. You are the sole judges of the facts in the case, and his Honor will, in his charge to you at the conclusion of the case, when all the evidence pro and con has been submitted, make such application of the law, in his usual clear and able manner, as the facts disclosed by the evidence of the witnesses may warrant. And now, gentlemen, I will narrate to you, as clearly as the evidence in my possession will permit, the substance of the facts we intend to prove in this unfortunate case. This prisoner had been, and was at the time of the commission of the crime named in the indictment, living with William Barrett, a brother of the deceased, as his mistress. On the 12th day of September, 1869, the brothers William and Thomas Barrett, and their sister, Mrs. Dunn, attended the funeral of their father, accompanied by the prisoner and her sister. On leaving the cemetery after the interment it was proposed by William Barrett that the women should occupy one coach and precede the men to the city, in order to prepare supper for them at his house, No. 170 West Broadway. The proposition was accepted, and Mrs. Dunn and Ellen Utt rode to the city together and arrived at William's house about seven P. M. At about eight P. M. William, Thomas and John Barrett arrived at the house, and the party partook of the refreshments that had been prepared for them. After supper Mrs. Dunn invited William and John Barrett to accompany her to her house, but did not include the deceased in her invitation, who, apparently feeling slighted at this neglect, made some remark displeasing to Mrs. Dunn, who told him not to speak so—that such language was not agreeable to her, or words to that effect; but disregarding her request, Thomas continued his remarks, until Mrs. Dunn, becoming exasperated, struck him on the face with her parasol. At this Thomas said, "Oh, you are a woman." Mrs. Dunn then struck him a second time, when he arose and took hold of her arms. William then came forward and asked Thomas what he meant, to which he replied, "Oh, I can whip you any day." At this Ellen Utt, the prisoner at the bar, who previous to this had taken no part whatever in the altercation, and who up to this time was in no way, shape or manner connected with the affair, exclaimed, "Well, if you can whip him I can whip you," and left the room, returning in a few moments having in her hands a large stick of wood. Mrs. Dunn, becoming apprehensive, and fearing that Ellen by her interference would make matters worse than they really were, took the stick from her and laid it on a table, at the same time advising her not to interfere—that William and Thomas would settle the matter in a few minutes. But it seems at this moment as if all the fiends of the infernal region had been let loose and taken possession of that woman, for mark what follows. After the stick had been taken from her she went into an adjoining room, was seen to raise the lid of a trunk and take something from it. She returned to the room in which the parties were, and before her murderous design was suspected, without any just cause or provocation, and without any fear of danger on her part—for mind you, gentlemen, she was in no way connected with the dispute between William and Thomas—Ellen Rebecca Utt cruelly, wantonly and deliberately plunged that fatal knife up to the hilt in the body of Thomas H. Barrett. On receiving the wound he cried. "Murder! murder! I am stabbed!" His brother William rushed from the house in search of a physician; but before he returned officer Farrell, who was on duty in that neighborhood, had been called in, and found this prisoner struggling to free herself from the hold of the unfortunate man she had so cruelly wounded. The officer took her in charge, and the wounded man started to accompany them to the police station in order to make a charge against Ellen. On arriving at the corner of Beach street he became so exhausted from the effects of his wound that he was unable to proceed further, and in a weakened and exhausted state sank to the sidewalk. He was then immediately conveyed to Bellevue Hospital, where he received such medical and surgical attention as that well known and ably conducted institution alone could offer; but their efforts were of no avail; he was beyond the aid of human skill, and on the day following his admission to the hospital, being conscious of the fact that his life was of but few hours' duration, an ante-mortem inquisition was held by the Coroner, and in his statement, while the cold sweat of death was rapidly gathering on his brow, he swore most solemnly, in presence of the Almighty and in the most positive manner, that he received the fatal wound at the hands of Ellen Utt, without any just cause or provocation on his part. I will not make any further remarks in reference to that statement at present, as it will undoubtedly be presented to you during the progress of the trial in its original and complete form. At forty-five minutes past eight in the evening of September 13 the soul of Thomas H. Barrett winged its flight, and one more name was added to the rapidly increasing list of those who have been thus murderously and summarily ushered into the presence of their Maker.

These, gentlemen, are the plain, simple and unvarnished facts of this sad case. A few moments since you took a solemn oath to well and truly try and determine and true deliverance make between the people of the State of New York and the prisoner at the bar. That such will be your course in this case is unnecessary for me to assert. Though your service as jurors at this term of the court has been of short duration, the term not being more than half completed, yet it has been a source of great gratification to his Honor the presiding judge and to the prosecuting officers of this court to see the prompt, able and decisive manner in which you and your brother jurors have disposed of the various charges presented to you. The duties devolving upon you are of a most sacred and yet simple nature; you are the sole judges of the facts of a case as presented to you by the evidence adduced from the witnesses on the stand. Is it not a sad commentary on human nature when we look at the prisoner at the bar and contemplate the fearful position to which she has, by the laxity of her depraved temper, voluntarily brought herself? Pause and think what she—a woman—might have been—what she is. How true and appropriate are those mournful lines of the poet,

Of all sad words of tongue or pen
The saddest are these, "It might have been!"

In this case, gentlemen, if we succeed in proving such a state of facts as I have stated to you, then I trust you will permit no untoward sympathy to take possession of your minds because the prisoner is a woman. 'Tis true the name of woman is one for which we are compelled, not only by natural inclination, but also by the dictates of our hearts, to regard with the greatest love and esteem. It is with us a hallowed name, for it conveys to us the sweet recollection of happy days, when, free from guile and unsullied by harsh contact with the outer world, we gathered in joyous glee around the footstool of a beloved woman—our mother.

But, gentlemen, when a fellow creature, woman though she may be, casts aside her womanhood and becomes so fiend-like and regardless of the sanctity of laws, both human and divine, as to bathe her hands in the life-blood of a fellow being, should not the same punishment be meted out to her as would be were the offender a man? Shall it be said because a terrible crime has been committed by a woman that that woman shall be suffered by our courts, in this enlightened age and civilized community, to offend against the laws of God and man with impunity? God forbid that such a sentiment should be sanctioned by you; for should it be, what earthly protection can there be for a man who has been so unfortunate as to incur the displeasure of an Ellen Utt? Be your verdict what it may Ellen Utt must and will bear to her grave the terrible and remorseful recollections of the fearful scene in which she was so guilty a participant at 170 West Broadway on the night of September 12, 1869.

Gentlemen, I will not detain you or the court with any further remarks in the opening of this case. My further connection with it will only be of a passive nature. My associate, Colonel Fellows, will, on my conclusion, take charge of and protect the interests of the public at large. In conclusion permit me, gentlemen, to entreat your undivided and earnest attention to the evidence in this case as it will be unfolded to you, and all the circumstances revealed by the eye-witnesses to the entire transaction, who will be placed on the stand on the part of the prosecution.

THE TESTIMONY.

Mary Ann Dunn (a widow and the sister of the deceased) was the first witness examined for the people. She testified that after returning from the funeral of her father on Sunday, September 12, 1869, she accepted an invitation of the prisoner to go to supper at her house, No. 170 West Broadway; her brother William lived with Rebecca; the prisoner, her sister, the witness and her sister rode in a coach to the house; about an hour and a half after Thomas, William and John Barrett arrived at the prisoner's house; the latter was not her brother; her brother Tom made a profane remark, and the witness struck him with a parasol on the face; William Barrett came over and said, "Tom, what is the matter with you?" he (Tom) got hold of the witness and said, "I can lick you every day in the week;" then the prisoner said, "If you can lick him I can lick you!" the witness supposed that she meant it for Tom; the next thing the witness saw was a hazel stick in her hand; then Johnny and William Barrett and the deceased were standing by the door; the witness took the stick out of her hand and laid it on the table; then the prisoner went into the bedroom, came out and approached the door, and soon after she heard Tom exclaim, "Murder! I am stabbed;" the prisoner staggered over the sofa, her hand came up and the witness saw the knife in her hand; the witness exclaimed, "My God, have you killed him?" the prisoner said, "No," and she looked as if she was crazy; it was a bowie knife; there had been no quarrel between the deceased and her before that; the deceased was taken to the hospital that night and the witness saw him next day and had a conversation with him. The counsel objected to the introduction of the dying declaration of the deceased, on the ground that it was not shown that all hope of living was gone. His Honor carefully read the deposition taken by the Coroner and ruled that the dying declaration of the deceased in this case was inadmissible, because at the time he said he had a slight hope of recovery.

Mrs. Dunn was submitted to a searching and lengthy cross-examination, from which it appeared that the men had been drinking on their way back from Calvary Cemetery. The expression which her brother made use of was—"You can all go to hell for all that I care."

Wm. Barrett was called and sworn. Mr. Spencer objected to his testifying, and proceeded to examine the witness preliminarily. He testified that he lived with the prisoner two years; introduced her to others as his wife, and that the child in court was his. The counsel maintained that by the laws of the State of New York the witness was to all intents and purposes the husband of the prisoner and could not be sworn in this case. A subsequent examination of Barrett developed the fact that on the 14th of June, 1863, he was married in a church in Duane street to Honora Buckley, and left her twenty-four hours after and had not seen her since.

Mr. Spencer consented to his giving his account of the affair, which he proceeded to do, which was substantially the same as the statement of the previous witness. He said he saw the prisoner go into the bedroom, open the trunk and take the knife out; she came out of the bedroom, and the witness Barrett "slung" her across the room, saying, "God d—n your soul, what do you mean?" and his brother sung out, "Bill, I am stabbed;" she was then about four feet from the deceased.

Barrett was severely cross-examined, and admitted that he had been drinking a good deal on that day, and that a few days after the prisoner gave birth to the child that he had a quarrel with the deceased in an adjoining room, and that he had been arrested for assault and battery.

John Barrett, who was no relative, gave his version of the affair, and said that the deceased hallooed "murder" before the prisoner struck him; that afterwards she made a punch at him, and he saw the blade coming out of the wound; he saw the knife in her hand and heard the deceased halloo "murder."

Officer Farrell testified that he arrested the prisoner on the sidewalk in Canal street, when the deceased said she stabbed him; he was taken to the station house and then to the hospital.

Cross-examined—There was blood on her hand; she said that the knife had been torn from her, and that his friends had stabbed him and ran away; the knife was not found, and none of his friends came to inquire after the deceased.

Mr. Fellows read Dr. Laight's testimony, from which it appeared that a wound was indicted in the abdomen of Barrett, causing internal hemorrhage, which resulted in death.

This closed the case for the prosecution, after which Mr. Spencer opened for the defence, stating that his theory would be that the Barretts inflicted this stabbing in a drunken quarrel and tried to lay the crime upon his client.

The case will be finished to-day.

The following is the calendar for to-day:—The People vs. Ellen Rebecca Uett, murder; Same vs. Lydia Ann Griffin, murder; Same vs. Thomas Connolly, robbery; Same vs. Israel Fisher, subornation of perjury; Same vs. William Krowl, burglary; Same vs. Moses Sickles, grand larceny; Same vs. John Cullen, petit larceny.

COURT CALENDARS—THIS DAY.

UNITED STATES DISTRICT COURT—ADMIRALTY CALENDAR.—Before Judge Blatchford.—No. 242, James T. Wright vs. Steamboat State of Maine; 180, John M. Handy vs. Steamer Franconia; 158, Robert E. Campbell vs. Steamtug Richard Doane; 34, W. H. Tapscott vs. Steamboat G. H. Starbuck; 169, James Mott vs. Sloop J. H. Abell; 93, J. Johnson et al. vs. Schooner J. M. McMillan; 179, James Mott vs. Steamboat Mount Washington; 162, Robert Aker et al. vs. Tug O. Baker; 183, John Foley vs. Schooner Isabella; 177, John Hansen vs. Schooner A. W. Thompson.

SUPREME COURT—GENERAL TERM.—Non-enumerated motion No. 10. Enumerated motions Nos. 89, 90, 91, 92, 94, 98, 351, 99, 100, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 116, 117, 354.

SUPREME COURT—CHAMBERS.—Reserved cases Nos. 9, 10, 32, 34, 35, 43, 44, 48, 57, 58, 66, 80, 87, 95, 101, 102, 103. Call No. 128.

SUPERIOR COURT—TRIAL TERM.—Part 1.—Before Judge McCunn.—Nos. 1077, 803, 721, 1227, 133, 132, 599, 1295, 1247, 163, 165, 33, 212, 1065, 1193, 1221, 1551. Part 2.—Before Judge Freedman.—Nos. 3520, 1538, 800, 1494, 1508, 572, 1694, 994, 1752, 1754, 1668, 1572, 1108, 1742, 1744.

MARINE COURT—TRIAL TERM.—Part 1.—Before Judge Gross. Call of calendar at ten o'clock A. M.—Nos. 4808, 4756, 30, 4326, 4327, 4375, 4680, 4719, 4738, 4770, 4793, 6, 10, 11, 12, 32. Part 2.—Before Judge Curtis.—Nos. 82, 4569, 4689, 4733, 4758, 4773, 4819, 4717, 4683, 4368, 4685, 4690, 76, 88, 89, 90, 91, 92, 93, 94, 95, 96.

BROOKLYN COURTS.

SUPREME COURT—CIRCUIT.

An Erie Litigation.

Before Judge Gilbert.

Francis Kowing vs. John A. Riston.—Plaintiff brought suit to recover some real estate in Westchester county, together with the sum of $1,100, from the defendant, on the following allegations:—On the 14th of August, 1868, John B. Haskin conveyed to him a certain piece of property in Westchester county. The defendant, who is a stock broker, doing business in New York, between the 29th day of June, 1868, and the 14th day of the following August, bought and sold stock at the request of the plaintiff, and also advanced him some money. He was to continue acting as his broker and to buy and sell stocks and gold for him as he might request. As collateral security plaintiff conveyed the Westchester property to defendant, who was to hand it back to plaintiff, free of encumbrance, whenever plaintiff's account was closed. Subsequent to the conveyance of the property defendant furnished plaintiff an account of all the stock and gold transactions undertaken on his behalf, and intimated that the account was correct, except one item; that 500 shares Erie, common stock at 52¼, and amounting to $26,125, was not correct, and that if defendant had purchased the stock, as charged, it had been done without the consent of the plaintiff. On November 26, 1868, plaintiff directed defendant to purchase five hundred shares of Erie, common stock, at the one o'clock call of the open board, when the price was 38¾, and in consequence of the defendant neglecting to do so there is a balance of $1,150 11 owing him by defendant, which he has refused to pay, and the suit was therefore brought to recover that amount, together with the real estate made over as collateral. Defendant claimed that plaintiff was indebted to him in the sum of $5,724 89 on account of business which he had transacted for him, which had amounted to $523,000, and that the transaction in Erie on the 26th of November had been undertaken at the request of the plaintiff. Plaintiff denied having acquiesced in the purchase, and evidence was introduced to show that the shares had been purchased for a Mr. Cowler.

The case is not yet concluded.

KINGS COUNTY COURT OF SESSIONS.

Arraignments and Pleas—A Variety of Crimes and Criminals.

Before Judge Troy.

The following named offenders against the law were arraigned before Judge Troy in the Court of Sessions yesterday:—John McCarty, burglary; John Wregley, attempted burlary, pleaded not guilty; James Farrel, larceny, not guilty; Thomas Dorveray, larceny, not guilty; Thomas Kennedy, larceny, not guilty; James Gregory, larceny, not guilty; Edward Scott, larceny, not guilty; J. G. Williamson, embezzlement, not guilty; William Brown, indecent exposure, not guilty; William Smith, larceny, not guilty; Benjamin Smith, larceny, not guilty; William Haus, larceny, not guilty; Walter Boerum, larceny, not guilty; Hugh Cannon, larceny, not guilty; Patrick Nolan, larceny, not guilty; Thomas Buckley, larceny, not guilty; William Buckley, larceny, not guilty; Harriet Grogan, larceny, not guilty; J. McDermott, larceny, not guilty; Owen Donovan, larceny, not guilty; Annie Friel, larceny, not guilty; Henry Ligdale, larceny, not guilty; Robert Ellison, assault with intent to kill, pleaded not guilty. They were remanded for sentence.

MUNICIPAL.

The City Fathers in Full Blast.

Improvements to be Made on the Square—Shanties to be Removed—The Concrete—Gassing Through the City — Dribbling Awnings—Minor Affairs.

The senior "pardners" in the business of managing the city, and known by the name and title of the Board of Aldermen, assembled yesterday, pursuant to adjournment, in the Aldermanic Chamber. The indefatigable president was in his place, the clerks and attendants were on hand, the Board was largely represented and the lobby was crowded to suffocation. The chamber, notwithstanding all these things, seemed rather dark. True, the weather was murky, and that might have caused the darkness, but there was evidently some other reason for the inordinate gloom. When the roll was called the mystery was explained; for Alderman Barker did not answer to the call, and it was the absence of his shining solitaire that made the room seem dark. Besides Alderman Barker the only absentee was Alderman Scannel. The usual preliminaries having been disposed of the Board lost no time in getting to work. The members were apparently anxious to do any amount of business, except Mr. John Williams, who was over anxious to know who the HERALD reporter was and to avoid the spirit of Seger, which seemed to hang over him, and which was made, perhaps, more disagreeably prominent by the flavor of bad "segers" in which some of "the gang" were luxuriating in the hall outside the doors of the chamber.

When business was fairly commenced a large number of the usual style of papers were handed in and laid over or appropriately referred. Among the papers presented was one by Alderman McKiever, in relation to

THE CONCRETE MAKER'S SHEDS IN TOMPKINS SQUARE,

in which it was stated that the owners of some concrete pavement patent had workshops in the square. The shops, although in the square were evidently not "on the square," and Alderman McKiever, showing a disposition to do "the square thing" by the residents of his district, proposed to bring the concretists up with a round turn. He offered a resolution directing the Street Commissioner to cause the owners of the nuisances to remove their unsightly and odoriferous shanties and appurtenances forthwith, and authorizing the Street Commissioner, in case the "paviers" should neglect or refuse to do as they were bid, to remove the obstructions and dispose of the material to pay the expense of the removal. The resolution was unanimously adopted; but Alderman McKiever could not stop at that, but insisted on assuring those around him that "the thing is a perfect nuisance." He showed pretty plainly that he meant to have the nuisance abated, and was advised by the clerical-looking Alderman Croker to "Go for him, Reuben; go for him."

AN INVITE

was received from the Richard B. Connolly Association to the Aldermen, asking their presence at the coterie to be held this evening at the Academy of Music. Several of the good looking members of the association were present, and when the announcement was made that the invitation would be accepted and placed on file Mr. George Hickey, the new Superintendent of Markets, smiled complacently towards his friends, McGowan, from Judge Bixby's court, and Alderman O'Brien, and shortly afterwards retired. The

GENERAL ORDERS

were then taken up and gone through with in lively style. The papers adopted were as follows:—Granting permission to the property owners on Seventy-sixth street, between Madison and Fifth avenues, to regulate, grade, &c., that portion of the street at their own expense, under the direction of the city authorities; to curb and gutter and flag and lay gas mains and erect gas lamps and cause the same to be lighted in Seventy-second street, between Second and Third avenues; to regulate and grade Ninetieth street, from Broadway to Eleventh avenue; to place a gas lamp in front of the Episcopal church in Thirty-first street, near Second avenue; to pave with Belgian pavement Forty-second street, from Tenth avenue to Hudson river, and Forty-sixth street, from Ninth avenue to Hudson river; directing the clerk to compile the usual number of manuals for 1870; to provide the police justices with appropriate badges and staves of office; directing the Street Commissioner to have the lamps in Tompkins square raised, placed at a distance of not more than seventy-five feet apart; donating $5,000 to the Metropolitan Homoeopathic Dispensary; authorizing the clerk to appoint another assistant, and directing the Comptroller to purchase the premises adjoining the Fourth precinct station house in Oak street, so as to provide additional accommodation for officers and prisoners. This last mentioned subject will not have been accomplished before it was needed, however soon the purchase may be made.

A paper was received from the Board of Assistant Aldermen in regard to an amendment of an existing ordinance in relation to awnings. The paper was referred to the Committee on Law, after which the Board adjourned to Monday next, at two P. M.

Board of Assistant Aldermen.

The Board met yesterday afternoon, the President, Mr. Reilly, presiding.

GUTTERS TO BE ATTACHED TO AWNINGS.

After the minutes of the previous meeting were read and approved a resolution was adopted amending section thirty-two, chapter twenty four of the ordinances of 1866, directing that after the 1st of March each awning covering one-half or less of the sidewalk shall have a gutter attached for the purpose of conducting the water. The penalty attached to a non-compliance with this provision is five dollars for each day.

There being no general orders ready for adoption, the Board adjourned till Thursday.

COLORADO AS A FARMING COUNTRY.—Governor McCook, in his message to the Legislature of Colorado Territory, is very enthusiastic in his anticipations of the future of that Territory. He says that its mining interests constitute the present of Colorado, but the Colorado of the future will rest upon its superior advantages as an agricultural country. He claims that all the fruits, cereals and grasses that can be grown in the temperate zone can be produced in that Territory in abundance, and that because of the advantages of climate and soil all these can be produced with less labor than in almost any other section of the Union. He looks forward to the time, which is sure to come, when Colorado will be one of the best stock growing States in the Union. The grasses are abundant and nutritious, and the winters are so mild as to make shelter or hay quite unnecessary. This is certainly not the Colorado which people in the East have supposed was to be found in the West. It is one vastly better in all that is essential to national prosperity and local greatness.

NEW YORK CITY.

The Bowery Stabbing Case—That Fire Alarm — Another Pauper Dies in a Cell—Union of Wax-Ends—Picayune Embezzlement—Felonious Assaults and Minor News Items.

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, Broadway corner of Ann street:—

	1869.	1870.		1869.	1870.
3 A. M.	33	44	3 P. M.	40	58
6 A. M.	34	42	6 P. M.	41	58
9 A. M.	38	50	9 P. M.	40	58
12 M.	39	56	12 P. M.	39	56

Average temperature yesterday........52¾
Average temperature for corresponding date last year........38

The Association for the Prevention of Gambling last year expended $18,150. The number of persons reported as frequenting gambling houses was 768, and the number of places closed through the instrumentality of the association was 250. The balance of funds on hand is $300.

Superintendent Chapin, of the Metropolitan Fire Alarm Telegraph, reports that the mistake in sending out the alarm for fire at fifteen minutes after nine o'clock Sunday evening arose from the operator in charge at the head office reading "Caroline street" for "Carlisle street" (as sent in). The similarity of the names was the only excuse for the error, and the matter was promptly investigated by the Board of Commissioners.

A meeting of the wholesale boot and shoe dealers and manufacturers of New York and vicinity took place yesterday at the Astor House to form a trade union. Much enthusiasm was manifested, and many speakers belonging to the trade spoke in favor of such a movement and none opposed it. A committee of ten on permanent organization was appointed, who are to report on the 31st inst. Stephen Hyatt presided at the meeting and James E. Hedges acted as secretary.

The marriage of John J. Morse and Miss Rosalie F. Davis, which took place last evening in the Trinity Methodist Episcopal church, Thirty-fourth street, near Eighth avenue, was a very pleasant affair. The bride was dressed in lavender and point lace and the groom in full black. The rites were performed by C. D. Cox, pastor of the church. Among those present were Messrs. Morse & Hedges, of Fulton street; Mrs. Hiram Calkins, the Misses Williams, of Forty-ninth street, and many others. The happy pair leave for the national capital in this morning's train.

The boy, John Moore, alleged to have been dangerously stabbed in the side by Antonio Como, the Chinaman, in front of No. 33 Bowery, seemed to be doing well at Bellevue yesterday, and, judging from appearances, may recover from the effects of the wound. His ante-mortem statement was not taken, as no legal binding force attaches to such an indictment unless the wounded party himself believes he is about to die. Many such statements, however, are taken for the purpose of securing an arrest or liberating a prisoner on bail, as the case may be.

On yesterday morning William H. Peck, thirty two years of age and a native of this country, was taken to the Franklin street police station on the charge of being an habitual drunkard. He was placed in a cell and made as comfortable as possible, but yesterday morning the doorman found him to be dead. Coroner Flynn was notified to hold an inquest on the body. Deceased had friends, but they refused to take charge of the body, which was accordingly sent to the Morgue for burial at the public expense. Deceased had been a bartender, but lost his position, and his resources becoming exhausted his former friends abandoned him.

On a bright Sunday followed a most disagreeable Monday. Rain and a heavy fog were the rule for yesterday—and especially the fog. Such a fog on the rivers around New York has not been seen for years. Persons who have been on the Newfoundland banks declared that even there, in that proverbially foggy neighborhood, nor even in London itself, the mother country of fogs, could that on the New York rivers of yesterday be excelled. Ferries were much delayed, and the Jim Jubilee, Jr.'s, new ferryboats on the Twenty-third street line were stopped altogether long before evening.

Work on the new Post Office proceeds slowly. Only 120 men are at work at present, including laborers, machinists and masons. The latter are engaged, by the aid of derricks, in setting the few remaining immense piers. The slowness of the work is partly due to the difficulty felt in securing proper transportation for the granite, but mainly because the original appropriation is nearly exhausted. It is not generally known that the stone employed in the foundation for the pillars of the new Post Office in the City Hall Park of New York was obtained in Bergen, yet such is the fact. In excavating the Hudson avenue sewer at the junction of Palisade avenue the contractors, Messrs. Keeney & Van Horn, had to cut through solid rock to the depth of seventeen feet, and the stone quarried out was carted over to New York for the purpose aforesaid.

POLICE INTELLIGENCE.

Ann Flow, a waitress in a saloon at No. 192 Chatham street, was robbed on Saturday of $3 25 by a man named Richard Connolly—no relation to the respected Comptroller of that name. Richard was committed to answer by Judge Dowling.

Peter Burke, James J. Parker and Michael Ferney were arrested yesterday by officer J. M. Dorsey for breaking into a basement store at 149 Chatham street and stealing a small amount of jewelry. They were brought before Judge Dowling and committed to answer.

W. B. Carr was in a saloon at No. 148 Chatham street, on Saturday night, when he was joined by two men, named Thomas Jones and James McGlune, who got into conversation with him and stole his watch. Both men were brought before Justice Dowling yesterday and committed to answer.

Hermann Schwartz, a carman in the employ of Nehemiah Ward, of 77 Murray street, was charged before Judge Dowling yesterday with collecting from Miss Jennie Rutter twelve dollars due to his employer for merchandise delivered to this lady and appropriating the same to his own use. Schwartz was committed to answer.

Officer Goeside, of the Second District Court squad, yesterday afternoon arraigned Charles Eager before Justice Cox, at Jefferson Market, upon complaint of John Waters, of No. 7 Gay street, charged with kicking his son Frank, aged seven years, on Saturday last, breaking his left leg. A certificate from the attending physician states the youth will be unable to leave the house under forty days, and is at present confined to his bed. The accused denied the charge, but was committed to await the result of the injuries.

A man named John McGreevy was yesterday arraigned before Justice Scott, at Essex Market Police Court, charged by his wife, Mary McGreevy, with making an attempt upon her life. The parties live at 618 Ninth street, and it appears that on Saturday evening John became, on some account, very much exasperated with his wife. He seized a razor and rushing upon her threatened to cut her throat. In the struggle which ensued the razor in the hands of the husband inflicted a severe cut upon the wife's arm. Justice Scott held the man to answer at General Sessions in default of $1,000 bail.

Frederick Baumann, residing at No. 630 East Twelfth street, appeared before Justice Scott and charged Charles Hassall with stabbing him in the head with a knife. Baumann's head was bound up and plastered in three different places. The parties reside in the same house, and in the course of a difficulty Hassall, as alleged, drew a knife in order to get rid of Baumann in the quarrel. Hassall denies having inflicted the wounds, and states that in the course of the melee somebody else did the stabbing. Justice Scott held the man in $1,000 bail to answer.

Michael Oppenheim, of No. 450 East Fifty-eighth street, yesterday appeared before Justice Scott at Essex Market Police Court and charged James Johnson with picking his pocket of a silver watch, valued at forty dollars. Mr. Oppenheim stated that, between five and six o'clock, he was riding up home, in Second avenue car No. 50. When the car was turning out of Grand street into Chrystie three men got on the platform and began pressing against him, one of them taking hold of his vest. In a few minutes one of the men gave a signal and the three left the car. When they went away Oppenheim found that he had lost his watch. On Sunday he went to the Tenth precinct station house and was there shown a number of photographs of thieves, and at once recognized that of a man named James Johnson as the likeness of the man who pressed against his vest. The man was arrested, identified and taken to court. When arraigned before Justice Scott he pleaded not guilty, but was held to answer.

A respectably dressed man, named John G. Gleason, was arrested by Captain Jourdan, of the Sixth precinct, charged with obtaining a horse, wagon and harness from ex-United States Marshal Robert Murray, 441 West Twenty-second street. Mr. Murray states that Gleason came to him and stated that he wanted to use Mr. Murray's horse during the winter, and that he wanted it for Mr. Brown, the sexton of Grace church; that Brown had brought Gleason up in the world, and he was anxious to get him the horse, wagon and harness for his use. Believing this statement he let Gleason have the above for Brown's use during the winter, Murray reserving the right to use the same when he wished. He desired Gleason afterwards to bring the horse over for Murray to use, but Gleason said the horse had been sick, but that the horse was "getting along finely." Murray suspected something wrong, and found from inquiries Gleason had sold the property for $275, the actual value being about $800. Gleason was brought before Judge Dowling at the Tombs yesterday, who committed him to answer.

THE LOVERS' VENDETTA.

The Patient in the Hospital and the Prisoners in the Cells.

The Mysterious Widow Lady—Almost Another Deathbed Marriage Scene—The Marriage Postponed and Why—Condition of Balasky—Biddle and the Detained Female Witnesses.

A dark, deep, impenetrable undercurrent of unenviable mysterious life lies hidden in the present entanglements interweaving themselves about the Biddle-Balasky shooting affair, with an enveloping veil of shadowy mist that promises, for some time at least, to be neither lifted or rent asunder. When all the facts come to be publicly known, if they ever do, which does not now seem at all probable, there is, from the present confused show of bewildering circumstances, pretty sure indication of another instance in the long list of proofs of truth being stranger than fiction. The shooting—the telegraph despatch, and, almost on the swift wings of the latter—the speedy arrival in the city from a rural town of a young and beautiful lady in widow's weeds—the frantic speed in a close carriage to Bellevue Hospital, where the victim of the shooting lay—the impatient haste to his bedside and at once demanding that a minister be sent for and that they be married immediately, have served to invest the case with more than ordinary interest, and in the closing scenes of an expectant death-bed marriage, make it a second in the series of McFarland-Richardson tragedies.

The following are all the new facts in the case, and as they are very few are quickly told:—

"I am a widow lady, and affianced to Mr. Balasky," exclaimed the strange lady visitor to the Warden of Bellevue Hospital on her arrival there, "and wish to be shown to his beside."

"Certainly," replied the affable Warden of the Hospital, and she was at once conducted to the ward where Balasky lies.

"Oh, you are going to die," she shrieked out, hurrying up and throwing her arms about his neck. "We must be married at once. Send for a minister immediately."

"When I sent that telegraphic message to you," exclaimed Balasky, in feeble accents, "I thought I had but a few hours to live. I am so much better than I expected that I don't believe my wound will prove fatal. We will get married when I get well."

"Let it be now," she urged.

"It won't do," insisted Balasky; "they will make a second Richardson case of it and put us in the pictorial papers."

"But, then, you'll marry me?"

"The moment I begin to get worse, if I do, and certainly within two weeks at longest; but not now."

The lady at length acquiesced in his wishes and thus the case stands.

If Balasky lives and continues to grow better they are to be married in the early part of next month. Meantime, with true womanly devotion, she remains constantly at his bedside, his faithful nurse and attendant.

"What do you think of your patient?" Dr. Sayres asked her yesterday in the presence of a HERALD reporter.

"He is getting along finely, Doctor. I have great hopes of him. What do you think?"

"I think as you do," he answered.

"I am so glad. Do all you can for him."

"I will."

The doctor examined the wound and, on measuring the distances from the nipples said the ball went in just one quarter of an inch below where Richardson was shot. He then added that some fifteen years ago he attended a man shot in the same place who was now living and as well and hearty as he ever was in his life—a statement that had a most perceptible exhilarating effect on both the wounded man and the lady attending upon him. The wound has not been probed since Balasky was committed to the hospital, and the locality of the ball is as yet unknown. He lies very easy and suffers no pain. The lady is very reticent, and refuses to tell her name or give any particulars regarding herself. She simply says that she is a widow and engaged to be married to Balasky, an engagement of several months' standing.

She has every appearance of being of the highest respectability, and in her deportment and bearing is ladylike and refined. She dresses in black, wears a watch and chain, and her other jewelry, though elegant, is simple and unostentatious. The stories in yesterday's papers, though so pointedly affecting the moral character of her affianced, do not seem to have prejudiced her in the least against him. With the persistent and strangely infatuated devotion of woman she clings to him through evil as well as good report.

After looking on the above picture we will look on another. The scene is the Fifteenth precinct headquarters, where still, detained as witnesses, are kept the two sisters, Fannie Raymond and Emma Knickerbocker, late mistresses of Balasky and Biddle.

Three months ago the latter woman—a girl, rather, for she is only sixteen years old—says she was seduced by Balasky under promise of marriage. She expressed great affection for him up to the time of her hearing of the appearance of the strange widow. She now denounces him in the bitterest terms—such terms as only a woman scorned can use—and hopes he will die. They still give the same story of the shooting as that heretofore published in the HERALD.

Biddle, who is still in the City Prison, likewise sticks to his original statement. In the meantime the most damaging stories are being put in circulation regarding the antecedent history of both Biddle and Balasky.

ANOTHER BOGUS TELEGRAPH SWINDLE.

A Chance for a Smart Detective.

NEW YORK, Jan. 17, 1870.

TO THE EDITOR OF THE HERALD:—

Seeing you notice in your valued journal a swindle by means of a bogus telegram, I hasten to inform you of a similar swindle practised upon a lady in Forty-first street, which should and would have been noticed before had not pressing business interfered. The telegram used was as follows:—

BOSTON, Dec. 21, 1869.

To ——, &c.—You will please call at the Merchants' Bank, and you will receive my check, amounting to $284, on presentation of this telegram. Do not fail to call, and oblige J. H. VANNESS, No. 41 State street, Boston.

Charges $2 94.

The lady requested him to take the above to the gentleman's office, but he refused, saying that the charges would be doubled by so doing. Upon this the charges were paid and the fraud not discovered until evening. On the envelope was "St. Nicholas Special."

By giving this a place in your valued paper many ladies, not skilled in business affairs, may be forearmed, being forewarned, and the swindle "nipped in the bud." V.

The swindler in this instance is evidently the same who perpetrated the swindle on Saturday, which is above referred to. The signature to the despatch was the same, the amount of charges was $2 94 also, and the same bank was named, and the fact that this despatch bears date December 21, while the other was dated January 15, shows that the scoundrelly author has been operating for nearly a month. Could any detective make arrangements to "interview" this fellow?

THE "NINETEEN MILLION DOLLARS HEIRESS."

BRITISH CONSULATE,
NEW YORK, Jan 17, 1870.

TO THE EDITOR OF THE HERALD:—

My attention has been called to a paragraph in the Troy Times, of the 15th instant, republished in yesterday's edition of the HERALD, entitled "A Nineteen Million Heiress," in which it is stated that Miss Gray, a Fort Edward milliner, had become the fortunate heiress of $19,000,000, of which she had received an instalment of $5,000,000 from the British Consul in New York, and that "on Tuesday last she received a despatch from the Consul announcing that the money awaited her order, and on the following day she left Fort Edward for New York, where it was paid over to her."

The statement that Miss Gray received any such despatch from me, and that she consequently received from me the sum of money in question, is a pure fabrication. I have neither received from Miss Gray nor have I paid to her any money whatever; and I may add that I have no knowledge of any money having been left to her in England. From circumstances which have lately been brought to my notice I have reason to fear that the publication of this story may be made the means of defrauding unsuspecting persons, and for this reason alone I request the favor of your giving publicity to this letter.

E. M. ARCHIBALD, H. B. M. Consul.