THE COURTS.

Proceedings in the Law Courts Yesterday.

A Murder Case in the United States Supreme Court—Liabilities of Bankrupts—The Consolidated Steamship Company Litigation—Heavy Damages Against the Long Island Railroad Company—$5,000 Damages Awarded in a Suit Against the Brooklyn City Railroad—The Farman Street Tragedy—Motion to Admit Perry to Bail.

UNITED STATES SUPREME COURT.

Murder Case on Appeal from a State Court.

WASHINGTON, Feb. 3, 1870.

No. 331. *John Gutt v. The State of Minnesota—Error to the Supreme Court of Minnesota.*—In September, 1867, an indictment was found against the plaintiff in a district court of the State for the murder of Alexander Campbell, in Brown county of that State, in December, 1866, on which he was subsequently tried and convicted in Redwood county, in pursuance of a law passed after the commission of the crime. The Supreme Court of the State affirmed the conviction, and the plaintiff brings the case here, insisting that the conviction was error, because, under the law of the State, as it existed at the time of the murder, he could only be indicted by the Grand Jury of Brown county and be tried by a petit jury thereof; and that the law passed subsequently, authorizing the Grand Jury of another county to indict him and the petit jury of another county to try him, is, under the federal constitution necessarily ex post facto and void. The defendant objects that this court has no jurisdiction of the question presented, and moves that the writ of error be dismissed. It is contended that in the court below counsel for the prisoner only raised the question of the constitutionality of the law, under the constitution of the State, and that it was on that question solely that the court ruled. On the merits it is submitted that the law complained of falls within none of the definitions of an ex post facto law, under the constitution of the United States. It imposes no punishment for an act which was not punishable at the time it was committed, nor any additional punishment to that then prescribed, nor does it change any rule of evidence. The prohibitory clause relates to crimes and punishments and not to criminal proceedings. It neither prohibits the creation of a new tribunal for the trial of past offences nor the enlargement of an old one for that purpose, nor any law solely relating to its organization, practice and proceedings.

E. M. Wilson for plaintiff; F. R. E. Cornell, Attorney General of Minnesota, for the State.

UNITED STATES DISTRICT COURT—IN BANKRUPTCY.

Claims of Creditors on a Debtor's Property Seized Under Judgment of a State Court.

Before Judge Blatchford.

In the Matter of Leonard S. Ballou, a Bankrupt.—This was a petition by Philip W. Kopper, the assignee, to have delivered to him as assets of the bankrupt certain goods levied upon by the Sheriff under an execution issued by William Redmond, a judgment creditor, for $854 65, on the ground that at the time of issuing execution and making levy the creditors had reasonable cause to believe the debtor to be insolvent. The prayer of the petition was granted and the creditor forever enjoined from proving against the estate of the bankrupt the claim upon which the judgment was founded. For the assignee, G. A. Seixas; for the creditor, Messrs. Noll, Thurston and Annan.

Alleged Fraudulent Stoppage of Commercial Paper by Insolvent Creditors.

In the Matter of Alfred D. Jessup, Creditor, vs. A. B. Horman & Brothers, Debtors.—This was a petition filed by creditors to have the debtors adjudicated bankrupts, alleging various acts of bankruptcy against them, among others that, "being merchants, they had fraudulently stopped and had not resumed payment of their commercial paper within a period of fourteen days."

On the trial the creditor gave evidence of the fraudulent stoppage, and, after being charged by the Court, the jury found a verdict for the creditors and the debtors were adjudged bankrupts.

For the creditors, G. A. Seixas; for the debtors, ex-Judge Beach.

Question as to the Discharge of Bankrupts.

In the Matter of the Bankruptcy of Garrett S. Bedlis and James Milligan.—The bankrupts were formerly heavy grain merchants, doing business at 21 West street. Judge Blatchford, on motion of counsel, refused to grant discharges on the ground that they did not keep proper books of account and omitted to make entries of goods purchased and sold to the amount of many thousand dollars, thus rendering it impossible to ascertain in what manner they transacted their business.

UNITED STATES DISTRICT COURT—IN EQUITY.

A Custom House Case.

In the case of Francis Tomes and others vs. Heman J. Bedfield, which was a suit brought to recover from defendant, formerly Collector of this port, excess of duties paid under protest on sundry importations of merchandise from Europe, and in which case plaintiffs obtained a verdict, and exceptions were taken by the defendant. Judge Blatchford now overrules the exceptions, and orders judgment to be entered for plaintiffs, on the verdict, for $3,078 66, with interest from July 12, 1869.

SUPREME COURT—CHAMBERS.

The Consolidated Steamship Company Litigation—Motion for a Receiver.

Before Judge Cardozo.

Theodore D. Jervey et al. vs. Henry Hart et al.—This was a motion for an injunction to restrain the defendant from disposing of certain property. The complaint averred that the plaintiffs were stockholders of the Consolidated Steamship Company, a corporation organized by the Legislature of the State of South Carolina; that the defendant was president, treasurer and director of the company in 1864 and 1865, and that he had the general administration of affairs. It further alleged that the defendant never rendered any account of his receipts and disbursements, that he received large sums of money and merchandise for the account of the company, which he converted to his own use, and mixed the assets of the company with his individual estate; purchased property in New York and Brooklyn with the money of the company, and that he conveyed certain lots in the city of Charleston, by a deed executed in 1867, to John Macauley, who, as alleged, had knowledge of the defendant's connection with the company and his failure to account. The defence set up was that during 1865 he was absent from Charleston, and denied having been treasurer of the company or ever exercised any control over its affairs. The defendant further denied having received any property belonging to the company, excepting the notes of Jacob Pecare, amounting to $22,000 and a house and lot in Brooklyn, which were always at the disposal of the company; that the company was organized for the purpose of importing merchandise in defiance of the blockade existing during the late rebellion, and at the close of the war, in 1865, ceased to have any vitality or existence; that the company is indebted to him in the sum of $3,000 in gold, while he himself denies owing any money, and denies that the complaint has any ground whatever. When the case first came before the court a temporary receiver was appointed over the property; but the order was subsequently vacated, with leave, however, to apply for any relief that might be deemed expedient. Plaintiff now moved upon new papers that a receiver be appointed. The case was argued yesterday by Mr. Andrews for the plaintiff and by Mr. Vanderpoel for the defendant. The Court reserved decision.

COMMON PLEAS—TRIAL TERM.

Notice to the Bar.

The calendar of causes to be tried by the Court, without a jury, will be called at the Trial Term on the fourth Monday of February—viz., 28th February, 1870. The special calendar of short causes will be called on Friday, the 25th February, 1870.

By order of the Court. N. JARVIS, Jr., Clerk.

BROOKLYN COURTS.

SUPREME COURT—CIRCUIT—PART I.

Damages for Personal Injuries.

Before Judge Pratt.

Bridget McGowan vs. Michael Kuntz.—The plaintiff brought suit to recover damages in the sum of $3,000 for injuries received by being run over by defendant's lager beer wagon in Third avenue, between Sixty-fifth and Sixty-sixth streets, New York, on the 1st of January, 1869. The defence was a general denial and an allegation of contributive negligence. Verdict in favor of plaintiff for $1,000.

SUPREME COURT—CIRCUIT—PART 2.

The Suit Against the Long Island Railroad Company—$15,000 Damages Awarded to Plaintiff.

Before Judge Gilbert.

Edward Van Gassbeck vs. The Long Island Railroad Company.—The jury in this case yesterday morning returned a sealed verdict in favor of plaintiff for $15,000 damages. Mr. Van Gassbeck, it will be remembered, sued the company to recover damages in the sum of $50,000 for injuries sustained by the great accident near Willow Tree station on the 23d of April last.

Damages Against the Brooklyn City Railroad Company.

Harvey Mangam, Jr., vs. The Brooklyn City Railroad Company.—This action, in which the plaintiff sued to recover $5,000 damages for injuries sustained by being run over by one of the company's cars, was first tried in 1858, before Judge Brown, who granted a nonsuit and dismissed the complaint. The plaintiff appealed to the General Term, who reversed the decision of the court below. The defendants then appealed to the Court of Appeals, and stipulated that if the judgment of the General Term were affirmed that judgment absolute should be rendered against them. The decision of the General Term was affirmed, and the case came back to this court yesterday for a jury to assess damages. The jury assessed the damages at the full amount claimed.

A Reminiscence of the Oil Fever of 1865.

Dexter A. Knowlton vs. Chauncey Kilmer.—The plaintiff sued to recover $8,400, the balance of $10,000 alleged to be due him, which latter amount he paid defendant towards the purchase of oil lands in Ohio for a company to be formed. The allegations of plaintiff were that in 1865 the defendant represented to him that he knew of a young man in New York who held a certain number of options which could be procured at a low price, and that he had himself gone to Ohio and examined the lands. They were as certain to get oil out of the lands as plaintiff was to get water out of the Empire Springs at Saratoga, which the latter owned. Plaintiff contributed $10,000, and a company was formed, but it subsequently failed, and plaintiff sold back his portion of the lands to defendant for a nominal sum. Mr. Knowlton further alleged that he afterwards heard that the amount of $75,000 had not been paid for all the lands, as represented, and he therefore claimed that the defendant had committed fraud.

The court granted a nonsuit in the case, on the ground that the plaintiff had not proved that $75,000 were not paid for the lands. Plaintiff supposed it was admitted in the answer of defendant that that amount was not paid, and the court held by the construction of the answer that the defendant had not so admitted.

SUPREME COURT—SPECIAL TERM.

The Furman Street Tragedy—Motion to Have Edwin Perry Admitted to Bail.

Before Judge Gilbert.

Mr. Charles Spencer yesterday morning made application to Judge Gilbert for a writ of habeas corpus, requiring the Sheriff to produce Edwin Perry, the alleged murderer of Thomas Hayes, night watchman at Harbeck's stores, Furman street, in order that he may be admitted to bail until his third trial shall take place. The jury on both trials, it will be remembered, failed to agree upon a verdict.

Judge Gilbert granted the writ and made it returnable to-morrow (Saturday) morning, at ten o'clock. Mr. Spencer will then move to have Perry admitted to bail. District Attorney Morris will oppose the application.

An Alleged Homicide Admitted to Bail.

John Howard, who is under indictment for the murder of Terence Flynn, at the corner of Navy and Johnson streets, on the 3d of October last, was produced in court yesterday on a writ of habeas corpus procured by Mr. John Cooney, his counsel. Mr. Cooney moved to have the prisoner admitted to bail, and the Court granted the motion, fixing the amount at $5,000.

The jury empanelled at the inquest over the body of Flynn rendered a verdict that he had died of injuries received at the hands of persons to them unknown. District Attorney Morris, however, caused the prisoner to be detained and a short time since brought his case before the Grand Jury, who indicted him for murder in the first degree.

Divorce Granted.

Lydia Krebs vs. George Krebs.—Report of referee confirmed and judgment of divorce granted, with leave to plaintiff to marry again.

COURT OF OYER AND TERMINER.

Before Judge Pratt and Justices Voorhees and Johnson.

The court met yesterday morning and adjourned for the term, there being no cases ready. This disposes of the election fraud cases until the next term of the court, which will be held in March.

PUBLIC CHARITIES.

Meeting of the Commissioners—Smallpox Statistics—Preparations for Relapsing Fever—The Street Question—Labor Bureau.

The Board of Commissioners of Public Charities and Correction met yesterday in stated session. The Commissioners were, as usual, all present with General Bowen, president, in the chair. The workings of the several departments under the care of the Board, for the past fortnight, were critically reviewed and found to be as efficient and as free from necessity for comment as they generally are. It was shown that ample provision had been made for the reception and treatment of persons afflicted with relapsing fever. On the first intimation of the breaking out of the disease the Commissioners had made their arrangements and were ready to care for all who may be consigned to their charge for treatment.

An informal discussion arose in regard to allegations made by certain Bohemians on the quality of meat furnished to the institutions, and as to the propriety of contradicting officially the charges and insinuations made. It appeared, however, from the interchange of opinions and notes that the meats furnished by the present contractor, Mr. E. Kearney, were daily inspected and found to be as good as was furnished to the best private houses in this city; that the Commissioners had the fullest confidence in the gentlemen who furnished the meats, and that the best comment on the quality was that no complaints of any kind were made by either inmates or officers of the institutions. The report from the Labor Bureau, under Mr. G. M. Losee, showed that during the month of January the business of the bureau was as follows:—Male help required, 283; female help required, 1,926; males applying, 925; females applying, 1,824; situations procured for males, 279; situations procured for females, 1,541.

The report from the warden of the Smallpox Hospital for January was received and ordered on file. This report shows:—Number of patients admitted, 220; died, 16; discharged, 102; remaining January 31, 102.

A very large amount of routine business was disposed of, after which the Board adjourned.

TURFMEN'S NATIONAL CONGRESS.

Second Day's Proceedings—The Report of the Committee on Rules to be Presented To-Day.

Agreeably to adjournment the Turfmen's National Congress resumed its session yesterday afternoon, at the Everett Rooms, at two o'clock. Mr. W. M. Park, president, called the meeting to order, and, after the disposal of some routine business, Captain Rynders, of the committee of thirteen appointed to draw up the rules and regulations of the Congress, announced that the report was not yet ready, and the Congress then adjourned until half-past seven o'clock. At that hour the delegates assembled in large force, Mr. W. M. Parks again presiding. Captain Rynders stated that the committee had been in session since half-past nine o'clock in the morning earnestly endeavoring to draw up the rules as required. They had almost been completed, but were not yet absolutely ready to be presented. Under the circumstances he asked, on behalf of the committee, to be allowed until to-day at twelve o'clock to present the report. After some slight discussion it was unanimously agreed to postpone the presentation of the report until to-day. The secretary then read a despatch from Colonel Sprague, of Rhode Island, regretting his absence from the Congress. Business matters had so shaped themselves as to prevent him being present. He had made his arrangements to be in attendance, but at the last moment found himself disappointed. He expressed his regret at not being able to participate in the movement, the result of which, he had no doubt, would be beneficial to the community at large, but assured the Congress of his earnest sympathy and support. On motion, the despatch was ordered to be placed on the minutes.

The Convention then adjourned till twelve o'clock to-day.

THE KILLING OF MR. PEYSER.

Official Investigation—Arrival of the Widow of Deceased.

Yesterday morning the widow of Mr. Harris M. Peyser, the Boston merchant who was crushed to death at the depot of the New Haven Railroad Company, Twenty-seventh street and Fourth avenue, as heretofore reported, arrived in this city in response to a telegraphic despatch which had been forwarded to her by friends soon after the melancholy occurrence. The remains, which are in charge of an undertaker, were viewed yesterday by a jury empanelled by Coroner Keenan, and as there are several witnesses who had not been summoned the inquisition was adjourned till next Monday. In the mean time the remains will be interred in Cypress Hill Cemetery. Mr. Peyser, who was sixty-five years of age, and a native of Prussia, had been a merchant in Boston for twenty-one years, and stood high in the estimation of all who knew him. Besides the widow deceased left two sons, one of whom is engaged in business in Cincinnati and the other lives in Naples, Italy. Mr. Frederick M. Peyser, a brother of deceased, lives at No. 63 West Forty-seventh street, this city. The deceased gentleman was in affluent circumstances.

Mr. Sumner observed to some of the leading members of the Women's Suffrage Convention, in Washington, that he never yet declared for or against women suffrage. "I know you haven't," said Miss Anthony; "I've watched you as a cat watches a mouse."

NEW YORK CITY.

Death of a Miser—A Miscegenation Den—Custom House Changes—The Weather and the Open Hudson—An Early Closing "Movement"—Miscellaneous Robberies, Sudden and Violent Deaths.

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.	42	36	3 P. M.	43	42
6 A. M.	43	34	6 P. M.	43	35
9 A. M.	45	34	9 P. M.	42	30
12 M.	44	40	12 P. M.	43	26

Average temperature yesterday 34¾

Average temperature for corresponding period last year 43¼

The body of an unknown woman was yesterday found dead in the rear of premises 99 Clinton street.

A Philadelphia merchant named Rogers, who had quite a protracted interview with Mr. McFarland at the Tombs yesterday, on leaving offered to subscribe $500 to the fund for the defence of the latter.

A fire occurred at nine o'clock last night in the basement of No. 57 Crosby street, occupied by William Nelson, manufacturer of chignons. His loss is $500; fully insured. Damage to building $300.

At the request of the Cuban Junta Laura C. Holloway has consented to repeat her lecture on Charlotte Bronte, at Cooper Institute, on Friday evening, February 11, the proceeds to be devoted to the cause of Cuban independence.

The Thompson collection of paintings has attracted such immense crowds of visitors to the Leeds gallery that the managers have found it absolutely necessary to open the upper galleries to afford accommodation to the public.

The Board of Police Commissioners yesterday transferred a few men and dismissed from the force William Irwin, of the Fifth precinct, who was convicted of cowardice, in that he saw a man knocked down and failed to render him assistance.

Anna Baker, an infant twelve months old, died at 124 Lewis street, from the effects of scalds about her neck and breast, received on the 24th ultimo by a dipper of boiling water falling upon her. Coroner Keenan was notified to hold an inquest over the remains.

Coroner Keenan was called to St. Vincent's Hospital to hold an inquest over the remains of Mark Stinson, twenty-five years of age and born in Ireland, who died from the effects of injuries received by an accidental fall while at work on a railroad in Connecticut, two or three weeks ago.

The fourth of a course of free lectures was delivered by Mr. Bickmore, of the American Bible Society, in the Amity Baptist church, Fifty-fourth street, near Eighth avenue, last evening. "China" was the subject chosen, and it was treated with a minuteness of detail available only to the traveller in the flowery land.

The remains of an unknown man about twenty-eight years of age, dressed in light coat and pants, dark vest and boots, were found floating in the dock at pier No. 9 East river. Deceased was five feet eight inches in height, and had brown hair and mustache. Coroner Flynn was notified and sent the body to the Morgue.

Captain Jourdan in his search for some stolen property has met with about thirty or forty "switches" of human hair, for which he desires an owner, as he has reason to believe that they have been stolen. Any person having lost property of this description will do well to communicate with Captain Jourdan, Sixth precinct station, Franklin street.

The second of a course of lectures in aid of the building fund of the Fifty-third street Baptist church, near Seventh avenue, was delivered last evening by the pastor, Rev. W. H. Pendleton, the subject being "The Holy Land, via the Classic Sea." The reverend lecturer has lately returned from a tour in the Old World, and related much that was instructive and entertaining.

The Grand Jury recently visited the pneumatic tunnel under Broadway and spent an hour in its careful examination, including the novel blowing and tunnelling machinery. The Jury adopted a report expressing their approval of the enterprise and corroborating in every particular the late report of the legislative commission as to the strength and entire safety of the tunnel.

A young man named Peter Callaghan was arrested on Wednesday evening up town by detectives Levins and Hamilton, of the Nineteenth precinct, he being accused of assisting in robbing the apartments of Mr. Thomas Wheeler, No. 383 Third avenue, already reported in the HERALD. Yesterday morning he was taken to the Yorkville Police Court, where he was committed, without bail, to answer.

The publication of the new proposed city charter has created a great deal of concern in the Central Police Office, and scores are on the anxious seat. It has been semi-officially ascertained that Superintendent Kennedy, determined not to be legislated out, will within a day or two tender his resignation to the Police Board, and thus steal a march on Albany politicians.

Daniel Rosseter yesterday had a leg broken by a bag of wool falling upon him at No. 45 Broadway. Taken to Bellevue Hospital. Mary Mace, of No. 17 Taylor street, Williamsburg, was run over by a wagon in Broadway and slightly injured. Mary Tooney, of No. 32½ Fourth avenue, was sent to Bellevue Hospital in a destitute condition. Michael Hall, of 42 Mott street, was sent to Bellevue Hospital with a broken leg.

The Central Office police report that Bernard Clark, agent, of 122 West Thirty-third street, yesterday reported at the detectives' office that while riding down town on a Sixth avenue car, about eleven o'clock, a pickpocket relieved him of a wallet containing $3,000 in currency and $2,700 in notes. The detectives were unable to give any particulars beyond the simple announcement that the case was reported, and do not vouch for its truthfulness.

Mayor Banks, of Baltimore, and Messrs. McCoy, Constantine, Cook, Milroy, Ogle, Carter, Gill, Stewart, Miniken, Mullen, Hyde and Beals, of the Baltimore Common Council, on their return from attending the Peabody obsequies called at the City Hall yesterday to see Mayor Hall. The Mayor being absent at the time the gentlemen were taken in charge by Marshal Tooker and shown through the Governor's room and public offices and buildings in the City Hall Park.

The Hudson river being now open to Albany and Troy from this city, the steamboat Connecticut yesterday made her eighth successful trip from the latter cities to New York with a heavy cargo of freight and passengers. This has never been accomplished before within the memory of the oldest inhabitants, and reflects great credit on the owners of the line. The Connecticut is at present under the command of Captain L. W. Barns, an experienced navigator of the Hudson.

A large meeting of the M. T. Brennan Association was held last evening at their hall, corner of Oliver and Henry streets, Mr. P. R. Fields presiding. After their usual business the members elected the following officers for the ensuing term:—Jeremiah O'Brien, President; John Kane, Vice President; Michael French, Secretary; Louis Lange, Recording Secretary; William McDonald, Financial Secretary; Michael Manix, Treasurer; Daniel Cummings, Sergeant-at-Arms.

The following changes have been made in the Appraiser's Department at the Custom House:—George W. Estbrook appointed a clerk at $1,200, vice Charles Sanders, removed; Joel Thayer, clerk, at $1,200, vice George M. Palmer, removed; W. S. Hunt, clerk, at $1,000, vice A. E. Reed, resigned; John F. Mills, messenger, at $900, vice Seth W. Knapp, removed; J. H. Garrison, promoted from a clerkship at $1,200 to one at $1,500; Maurice Powers appointed a clerk at $1,200.

Mr. Frederick Michel, of No. 61 Bowery, yesterday appeared before Justice Scott, at Essex Market Police Court, and charged a man named Thomas Lyon with stealing from him eight empty casks, valued at forty-two dollars. Lyon, with two other men, visited Michel's store on the 20th of January and offered to buy the casks, and Michel, believing the offer to be genuine, concluded the bargain. Lyon removed them, but by some trick evaded the vigilance of a clerk of Michel and so got off with the property. Held to answer.

Mr. Charles Fox, who died in a miserly manner at 551 Third avenue, lived alone and kept bachelor's hall. He possessed considerable real estate, bonds, stocks, &c., all of which Coroner Schirmer turned over to the custody of Public Administrator Rogers. A woman, claiming to be a relative of deceased, took charge of the body for burial. A post-mortem examination made by Dr. Cushman showed that death resulted from Bright's disease of the kidneys. Deceased was sixty-two years of age and a native of Connecticut. He had been married, but his wife died many years ago.

Yesterday a man named Robert Patterson, Jr., was brought before Judge Dowling at the Tombs, and charged with stealing a watch from the American Merchants' Union Express Company. The prisoner confessed to Captain Jourdan that he had robbed this company for a long time to an enormous extent. It is worthy of mention this is another instance of the indefatigable industry of Captain Jourdan, and there is reason to believe that this man has robbed the company of thousands of dollars' worth of property, principally jewelry. Patterson was committed to answer.

Professor Noyes, M. D., of Bellevue Hospital College, will lecture this evening, at the Young Men's Christian Association Hall, on "Sight and Hearing." The points of the lecture will be fully illustrated by apparatus prepared for the occasion. To-morrow Bayard Taylor will lecture at Irving Hall on "Life in Europe and America." This lecture will be under the auspices of Post Phil Kearney, No. 8, G. A. R., and the proceeds are to be devoted to the benefit of the fund for the relief of disabled soldiers and sailers. The experience and ability of the lecturer, the interesting character of the subject and the object of the lecture should certainly attract a large attendance.

At the Special Sessions yesterday, before Judges Dowling and Bixby, a young man named John Kyles was charged with malicious mischief by throwing a stone and breaking the window of Joseph Rich, 460 Canal street. It appeared from the evidence that there had been some understanding come to by the traders of this ward in reference to early closing, and that Mr. Rich had not complied with the requirements. A deputation waited upon him, which, according to the witnesses, numbered at one time about 150 persons. During the interview, and amid some altercation, a stone was thrown, doing the damage complained of. It was not proved that the defendant threw the stone, and he was therefore discharged.

The Manhattan Gaslight Company continue to manipulate the Board of Health. Over a year ago an order was made compelling them to purify their gas by the iron process and abate the dry-lime nuisance created. Voluminous testimony was taken before referee Howley, and when the Board were on the eve of enforcing the order the company came forward and by prolific promises got an extension. The nuisance has continued ever since. On Wednesday the company was cited to appear and show cause why the order should not be enforced; but the Board gave them another extension. This is all they want—delay until such time as the Board is dissolved, in the hope that their successors will no longer annoy them.

Joseph Barron, of No. 6 Monroe street, yesterday appeared before Justice Scott at Essex Market Police Court and charged three boys, named Thomas Foley, Francis Blackett and Thomas Ward, with stealing 100 pounds of tobacco, valued at seventy-five dollars. Officers Jarboe and Shalvey, of the Seventh precinct, arrested the boys, and Foley admitted the theft, stating that the tobacco had been sold to one Charles F. Maier, doing business at No. 45 New Chambers street. The officers visited the store of Maier, but he (Maier) denied having bought any of the tobacco. Jarboe and Shalvey then visited Maier's residence, No. 47 Rose street, and there recovered a portion of the stolen property, which had been secreted in a bedroom. The three boys were held on a charge of grand larceny, and Maier gave bail to answer the charge of receiving stolen goods.

About two o'clock yesterday morning, as officer Cael, of the Eighth precinct, was patrolling his post in Laurens street, he heard unearthly shrieks proceeding from the dive in the basement of No. 38, kept by a white man named Thomas Kelly. Upon rapping at the door to ascertain the cause of the disturbance he was refused admittance, and giving the alarm rap secured the services of several officers on post in the vicinity, again visited the dive, when they forced the door open, and were ushered into the presence of about twenty-five persons, black and white, of both sexes, who were enjoying themselves in a manner that was disturbing the neighborhood for several blocks, a portion of the audience being somewhat under the influence of the tangle-foot dealt out by Kelly, who, it is claimed, has no license. The party were ordered to form in line, and presented a fine appearance as they marched to the station house, at the corner of Prince and Mercer streets, a white man or woman being sandwitched in between two negroes and *vice versa*. They were subsequently arraigned before Justice Cox, at Jefferson Market, when the proprietor Kelly was required to furnish bonds in the sum of $1,000 to keep the peace, and the balance committed for examination.

REDDY THE BLACKSMITH.

Reddy Still Alive—Particulars as to His Assailant and the Assault on Wednesday Evening.

It was currently reported yesterday morning on what appeared to be reliable authority that William Varley (Reddy the Blacksmith) had died from the effects of injuries received at Florence's saloon on the previous night. This report was premature. Reddy's injuries are very severe and will in all probability end fatally, but at present he is alive, and has the best surgical treatment that Bellevue Hospital can command.

His assailant, James Haggarty, is at large—not arrested—and in all probability will not be captured, whatever the result of Reddy's injuries may be. Haggarty is well known at Philadelphia, where he has been convicted for at least half a dozen assaults and batteries. On the last occasion of a regular conviction he was discharged on condition that he never returned to the city again. He ventured back afterwards and was sentenced to eighteen months imprisonment in Cherry Hill State Prison. While in the van to be taken to the City Prison, prior to being sent to Cherry Hill, a gang of thieves and desperadoes, companions of Haggarty, broke into the van and liberated him. This occurred about five months ago, and since then he has been a fugitive from justice.

Haggarty is about thirty-two years of age, weighs about 180 pounds, dark hair, dark complexion, dark, heavy eyebrows, dark whiskers, well covering the sides of his face, and is about as rough a rowdy as can be met with in the country.

The treatment of Reddy by Haggarty at Florence's saloon was very brutal. Reddy has been on "the drunk," more or less for some weeks. On Wednesday afternoon he had been in this saloon and got several drinks. About eight o'clock at night he went there and was so completely under the influence of drink that he lay down on the floor in one of the remote corners of the room. Haggarty soon after came in with a friend and ordered a bottle of wine, and asked "Reddy" to take a drink with them, and he responded. As soon as they began drinking they began to talk about fighting matters, and in loud demonstrative language. The two men began to challenge each other, and one of Reddy's friends tried to get him away, but Reddy would not move. In a few moments the men were together fighting, and even when it was quite clear that Reddy could offer no resistence, Haggarty beat him most cruelly. A cry of "police" was raised, and the "police" were sent for; there was considerable delay in their arrival, and in the meantime, Haggarty, assisted by his friends, had fled.

This is not the first time that Reddy has got into trouble. This saloon is the resort of the sporting fraternity, and also of the principal gamblers of the city and neighborhood. The proprietors say that no "muss" of this kind has ever occurred there before; but probably their memories are slightly defective, or those well acquainted with this neighborhood and this saloon have active imaginations. It has a reputation, both good and evil, as most Houston street saloons have.

MATRIMONIAL VAGARIES.

Free Love in Westchester County—A Model Husband.

An extraordinary instance of complicated matrimonial relations, occurring at Dobbs' Ferry, on the Hudson, appeared in the HERALD a few days since, in which were portrayed facts in relation to a woman, who after obtaining a separation from her husband married his assistant, while the former head of the house consented to remain as a boarder. This outrageous disregard of the marriage obligation, coupled with the indifference shown by a husband and father to the wife of his bosom and the mother of his children, has had a fitting termination—one in full accord with the, perhaps, unprecedented strides in this instance made towards the hideous goal of "free love."

It will be remembered that the woman (who is the wife of a blacksmith), after obtaining what purported to be a separation from her husband, proceeded with her new "affinity" to the residence of a clergyman in the village above named, and was then and there united in matrimony with the employé of her husband, and that the latter offered no objection, but remained in the family as a boarder.

The assistant, who had so strangely become the husband of his employer's wife, bore the responsibility placed upon him for about a week, when failing, it is said, to obtain control of some property in possession of his so-called wife, he deliberately packed his trunk and took passage on a Western bound train, making no secret of his intention to seek "fresh fields and pastures new." It is not stated that much opposition to this unceremonious desertion was offered by the "bride" of a week, who at once transferred her first husband from the ignoble position of a boarder to his former status as husband and protector; and now, while the blacksmith's hammer continues to ring merrily on his anvil, peace reigns at his domestic hearth. "Shoo, fly: don't bodder me."

MUNICIPAL AFFAIRS.

Meeting of the Board of Aldermen.

Auctioneers on a Strike—The Tax Levy for 1870—The Dribbling Awning Ordinance—Curbing, Paving and Other Jobs.

The Board of Aldermen assembled yesterday afternoon pursuant to adjournment, with the President, Alderman Coman, in the chair. The Aldermen were all present, except the quiet and somewhat antique Alderman Hughes, the handsome and dressy Alderman O'Brien and, of course, Alderman Florence Scannell. The lobby contained quite a large delegation, and, among others, was that wonderful canvasser and witness, "which 'is name his Lane," leaning listlessly over the iron railing and looking, from time to time, at Alderman Guntzer as if he thought the Alderman should give him something, or as if he was waiting, Micawber like, "for something to, in fact, turn up." Some of "the gang" remarked that he no doubt would take even a "red hot stone."

When the usual preliminaries had been disposed of by the good natured deputy and his active assistants the President took up the papers which encumbered his desk, and, reading off their titles, speedily disposed of them by ordering them to be "laid over" or referred, as the case required. Among the papers introduced was one providing that the auctioneers selling real estate in behalf of the city in 1866 should be allowed the same compensation as allowed in 1869. The subject was referred to the Committee on Finance, as was also a resolution ordering a donation of some $9,000 to the Union Theological Seminary. The thirteenth annual report of the Commissioners of the Central Park was received, ordered on file and the usual number to be printed. A communication was received from the Comptroller, transmitting the

ESTIMATE OF CITY EXPENSES FOR 1870.

As follows:—

For redemption of the principal of the city debt	$685,421
For interest on the city debt	1,734,917
For Board of Education	2,382,000
For Commissioners of Central Park	320,000
For Commissioners Public Charities and Correction	1,159,765
For Metropolitan Fire Department	951,300
For Board of Metropolitan Police—expenses chargeable on city account	82,200
For Metropolitan Board of Health (city account)	40,500
For general purposes of the city government, including municipal salaries and expenses of the city courts	4,698,246
	$12,054,349
Less estimated revenues of the general fund	2,200,000
Total	$9,854,349
Tax levy for city purposes for 1869 was	$10,923,109
Estimate for 1870 as above	9,854,349
Less for 1870	$1,068,760

The communication was ordered on file.

The Committee on Law, through Alderman Jackson, asked to be discharged from the further consideration of the paper providing for an amendment to section twenty-two of chapter twenty-four of the ordinances of 1866. The ordinance as amended, provides that all awnings or water sheds covering less than the full width of the sidewalk should have ample gutters attached to them for the purpose of carrying off the water, under a penalty of five dollars per day for non-compliance after March 1, 1870. The committee was discharged and amendment proposed was adopted. The Board then took up the list of

GENERAL ORDERS

and adopted resolutions directing as follows:—To lay crosswalks at Second avenue and 115th street; at easterly crossing of Vandam and Varick street; opposite 292 Hudson street; to curb and gutter Seventy-fourth street from First avenue to avenue A; Seventy-second street from Second avenue to East river; to donate $675 to the First Presbyterian church and $3,500 to the school of St. Marcus' church; to extend contract for paving Fourth and Fifth streets from the Bowery to Mangin street; to place hydrant at Seventy-fifth street and avenue A; to erect gas lamps opposite 1,360 Broadway, in front of entrance to City Prison and in Manhattan alley; to pave with Belgian pavement Christopher street from Greenwich street to West street; First avenue, from Seventieth to Ninety-second street; avenue A, from Eighty-fourth to Ninety-second street; First avenue, from 110th to 125th street; Fifty-sixth street, from Broadway to Eighth avenue. To regulate, grade, &c., 105th street, from Third avenue to East river; to flag Forty-fourth street, from Eighth to Ninth avenue, and Fifty-sixth street, from Broadway to Eighth avenue, and to renumber streets north of Fifty-ninth street and east of Fifth avenue.

The Board, on motion, adjourned to Monday next, at two o'clock P. M.

THE SEGER-GUNTZER CONTEST.

Continuation of the Examination Before the Committee on Protests—The Immaculate Lane on the Stand—Tall Swearing—Intelligent Canvassers—Papers Signed Without Being Read—The Accommodation of Bad Eyesight.

Pursuant to adjournment the Committee on Protests of the Board of Aldermen assembled yesterday at their room in the chamber of the board. As everybody had read the HERALD and saw that there would be some fun before the committee yesterday, the attendance was much larger than on the previous day. The counsel on either side were present in full force and the contestants looked just about as usual. When the meeting had been called to order the counsel for Mr. Guntzer arose, and, stroking his queer, blonde beard, grinning in his peculiar way and commencing to talk in such a way as to give the idea that somebody would be conferring an immense benefit by presenting the gentleman with a strong bandana. Counsel then asked that the committee would send to Police Headquarters and obtain copies of what purported to be resignations of certain canvassers, and which, counsel said, could be proved to be forgeries.

The Chairman, Alderman Miller, stated that he would hear first the testimony in regard to the district before them and would then determine what further proceedings should be taken.

Counsel for Mr. Guntzer then called Canvasser Lane. Mr. Lane appeared and was sworn by the Clerk. He testified that he had kept a memorandum of the vote in the Twenty-ninth district of the Seventeenth ward, which showed the vote for Guntzer 150, Seger 27 and Levy 12. He made out one return. Mr. Geger (the other canvasser) made out another, and one of the poll clerks made out the third. He then described the position of the tables and parties in the room on the night of the election and during the canvass, and the mode of calling out the tallies. He was cross-examined by Judge Phillips, and during the cross-examination he pulled off one of his corn-colored kids, which, for decency's sake, he might have kept on, and inserted the fore finger of his right hand between his clean shirt collar (he had a clean collar on) and his throat, pulled it around as if he wanted to make room for something tough to come up or go down. He was quite cool for a time in giving his evidence, but he soon appeared to grow somewhat nervous. He stated, in reply to questions by Judge Phillips, that he did not read the paper handed him by the poll clerk which was to be sent to the station house on the night of the election; that it was his custom sometimes to sign papers without reading them when he was pressed with business.

It may, perhaps, be said then, that he seldom signs papers without reading them if he never does so except when pressed with business.

The canvass was made in a small barber shop under a tenement house. Counsel did not ask if that fact had anything to do with the "shaving" process which he seemed to think had been practised. Mr. Lane said he had kept a private tally openly; that he had made a memorandum from that paper for the satisfaction of the republican committee; that he had shown the paper to Mr. William Ashman, but never showed a paper which had Switzer 84, Seger 78, and had never told Mr. Ashman so.

Counsel here said that Mr. Ashman was a gentleman; that his word was more worthy of credit than the word of the witness, and that he could have Mr. Ashman present, face to face with the witness, and prove that point.

Mr. Lane stated that he had never parted with the paper he made until he gave it to Alderman Farley, of the committee from the Board of Canvassers. The returns in the possession of the Clerk were shown witness, but he could not discover any traces of alteration or interlineation. One, he said, was a little cut and looked a little greasy, but that was all. There was a yellow look over two of the lines. He had discovered that on the night of the election, both before and after the canvass. He had never received a watch as a present from Mr. Guntzer. (He said this in such a way as to intimate that he thought he ought to receive a watch or something of the sort.)

Mr. Henry Seger was called. He was the fellow canvasser of Lane and his testimony went to show that he had made out a return, but that he did not know what the vote was; he copied his return from the papers made out by Mr. Lane and knew nothing more about the vote than was shown on the papers; he thought they were all right because his name was on them; he signed the papers without examining any tally list.

In reply to questions by Judge Philips he stated as follows:—The papers are in the same state now as when I signed them; the "police return" has my signature; did not read it before I signed it; I took Lane's return; did not know and do not know the number of votes except as I took from Lane's copy; except that my name is to those papers I have no knowledge of what the vote was; did not announce the result of the vote; know a man named Franz who keeps on Second avenue; do not recollect having the returns there a day or two after the election; may have been there in company with Mr. Guntzer; do not remember that I had the papers with me when I was there, but don't think I had.

At this point counsel for Guntzer looked very serious, opened his mouth wider, if possible, than he usually holds it open. Lane—who sat somewhat behind the counsel, and who had been nodding or shaking his head to Singer accordingly as he wanted him to answer yes or no—looked forward and (*mirabile dictu*) blushed, actually blushed.

Examination resumed—Can't detect any erasure; have not very good eyesight.

Here counsel for Guntzer claimed that the witnesses may not know what erasure meant, and claimed that in regard to anything patent on the face of the paper the committee were as good judges as the witness was.

Witness testified that he could see no evidences of erasure or discoloration on the papers; he made the returns a day or two after the election; it was not four days; did not know what the duty of the canvassers was in regard to making their returns within a specified time; resided in the ward; did not know who the Alderman was; did not announce that he would take the returns to Alderman Repper.

In his redirect examination witness stated that the figures agreed with his impression and knowledge, so far as it went, of what the vote was.

Counsel for Mr. Seger objected to this, inasmuch as witness had positively testified that he did not know what the vote was, and his impression amounted to nothing. As the witness had answered the question, notwithstanding the objection, it was allowed.

The committee then took a recess until Monday at noon.

THE FIRE UNDERWRITERS.

Meeting of the National Board—Measures to Increase the Efficiency of the Organization—Important Proceedings.

At a meeting of the National Board of Fire Underwriters held on Wednesday last at No. 156 Broadway, Mr. James McLean presiding and Mr. William Connor, Jr., secretary, the following report was presented by a sub-committee of the Executive Committee:—

TO THE NATIONAL BOARD OF FIRE UNDERWRITERS:—

GENTLEMEN—At the meeting of the Executive Committee held on the 9th day of December, 1869, the following resolution was adopted:—

Resolved, That it be referred to a special committee of five members of the committee to consider and report to the National Board at its next meeting the relation which its members hold to the national organization and the obstacles or influences which interrupt and distract its operations; and also what measures, if any, may be adopted to correct the evil.

The undersigned committee, appointed in conformity with the above resolution, would respectfully beg leave to submit the following report:—

First—In regard to the relations which the members of the National Board hold to each other, we would say, That, notwithstanding the express wording of the constitution, requiring every member to subscribe to the articles of association, nothing of the kind has been done, consequently the relation has been one of understanding rather than agreement; that is, it has been understood that the members were bound by the action of the National Board and Executive Committee, though no member has agreed to be so bound.

Second—As to "the obstacles or influences which interrupt and distract its operations," they can be summed up in a few words:—Refusal on the part of some members to be bound by the action of the board in particular instances, bad faith among those who have been understood to consent to the legislation of the board and outside competition.

Third—As to "what measures, if any, may be adopted to correct the evil," we would suggest that as an indispensable qualification for membership some officer having authority to bind the company seeking such membership shall sign the following articles of association and obligation attached, viz.:—

This association shall be known as "The National Board of Fire Underwriters of the United States."

Any insurance company of the United States, or any agency of a foreign company, may become a member by subscribing to these articles of association and obligation.

The objects and purposes of this board are declared to be as follows:—

First—To establish and maintain, as far as practicable, a system of uniform rates of insurance.

Second—To establish and maintain a uniform rate of compensation to agents and brokers.

Third—To repress incendiarism and arson by combining in suitable measures for the apprehension, conviction and punishment of criminals engaged in this nefarious business.

Fourth—To devise and give effect to measures for the protection of our common interests and the promotion of our general prosperity.

We, the undersigned, members of the National Board of Fire Underwriters, hereby pledge ourselves and the companies we represent to abide by the rules, regulations and requirements adopted by the National Board or its Executive Committee. That wherever a local board exists, and we have an agent, such agent shall become a member thereof. That in all places where rates are in force, we will neither accept a risk at less than tariff rate, nor allow our agents to do so, and upon their second conviction for placing risks, either in our own or some other company, at less than tariff rate, we hereby pledge ourselves to withdraw our agency from them.

We also pledge our companies to pay their proportion of the expenses of the National Board, as may be assessed from time to time, and do all we can to maintain its efficiency while we remain members thereof.

The committee would also recommend the adoption of the following:—

Resolved, That when any company fails to carry out the letter and spirit of the pledges entered into with the National Board of Fire Underwriters, the case and circumstances shall be reported to the Executive Committee at its next meeting, and such company shall be expelled.

Resolved, That no agent representing National Board companies shall hereafter be allowed to hold the agency of any company not a member of this organization.

Resolved, That when any company has been expelled from the National Board, notice shall at once be sent to every company belonging to the Board, and also to every local board, and the companies whose agents also represent any company so expelled shall immediately require such agents to resign the agency of the company so expelled or withdraw their own from the agent's hands.

Regarding rates, the committee would recommend the adoption of the following resolution:—

Resolved, That all matters of rates be placed in the hands of local boards in every place where such an organization exists, and no interference therewith shall be exercised by any department of the National Board, except at the request of the local board, or where manifest unfairness has been exercised. In such cases the National Board shall have power to send some person or persons, not connected with any insurance company, to adjust the difficulties.

Concerning outside competition, we think that in all cases where this competition is active enough to warrant, the rates should be made at the lowest possible paying figure, so that any company writing at less will be unable to profit by so doing.

In the matter of dues we would suggest that the rule be amended, so that each company belonging to the Board shall pay annually the sum of fifty dollars. The balance of the amount wanted to be raised by an assessment upon the agency business of each company. This, we think, will equalize the amount to be paid and give better satisfaction than the present mode.

All of which is respectfully submitted.

D. A. HEALD,
JOHN B. ELDREDGE, } Committee.
J. S. PARISH,

Yesterday the Board reassembled for the purpose of discussing and taking final action on the report.

The attendance was large and the discussions at times excited. The resolutions were discussed and adopted separately.

A long and earnest debate took place upon the adoption of the obligation. The meeting was attended only by representatives of insurance companies. The disadvantages arising from cutting under the rates of the National Board by outside companies and guerilla agents were set forth in strong language. One of the officers of a Boston company said that the agents of outside companies had cut under the rates of the National Board to such an extent that the sound companies of that city which belonged to the national organization were losing all their first class business. It was also said that the same state of affairs existed in Philadelphia.

The adoption of the "obligation" called forth a long and warm discussion. Several amendments were offered and the "obligation" was finally adopted as follows:—

We, the undersigned, members of the National Board of Fire Underwriters, hereby pledge ourselves and the companies we represent to abide by the rules, regulations and requirements adopted by the National Board or its Executive Committee. That wherever a local board or boards composed either of companies or agents, or both, exist, and we have an agent, such agent shall become a member thereof. That in all places where rates are in force we will neither accept a risk at less than tariff rate nor pay nor receive any higher commission or make greater rebate than is allowed by the local board, nor allow our agents to do so; and upon their second conviction for placing risks either in our own or some other company at less than tariff rate, or violating any of the rules or regulations of the local or National Board, we hereby pledge ourselves to withdraw our agency from them, such agents having the right of appeal, as provided by the Chicago compact, which is hereby recognized as of binding power.

The second resolution recommended for adoption also caused a sharp discussion. Some of the members claimed that as long as the companies belonging to the National Board employed agents who also acted for outside companies the former would suffer. Other members said that it would be much better to keep a check on outside companies through their agents than to have the business of those companies go into the hands of guerilla agents.

The resolution was amended, and was finally adopted in the following form:—

Resolved, That no agent representing National Board companies shall hereafter be allowed to hold the agency of any company not a member of this organization, unless with the written consent of his other companies, and of a majority of the members of the local board of which said agent is a member.

The resolutions reported by the committee regarding rates and outside competition were stricken out, and the one in reference to the matter of dues was amended as follows and adopted:—

We would suggest that the rule be amended so that each company belonging to the Board shall pay annually the sum of fifty dollars and one-tenth of one per cent on the agency business of last year. The balance of the amount wanted to be raised by an assessment upon the agency business of each company. This, we think, will equalize the amount to be paid and give better satisfaction than the present mode.

The Board then adjourned.

PRESIDENT HARRISON'S GRAVE.—We understand that Senator Yeatman, representing part of Hamilton county in the Legislature of Ohio, has written to Rev. S. W. Cudlaw and Edward Hunt, asking what is particularly desired by the friends of General Harrison in this vicinity to be done in the way of a monument and improvement of the grounds where the General is buried, intimating that he will urge the passage of a bill appropriating a sufficient sum to defray the expenses. We have no doubt but that our Legislature would join with that of Ohio in appropriating a sum sufficient to perform creditably so important a work, if the matter was urged upon its attention. It is really a shame that the last resting place of one who, in his time, was so great a public benefactor should be almost unmarked. Let measures be taken without delay, so that this shameful neglect of the memory of one so generally beloved may not be continued.—*Lawrenceburg (Ind.) Press.*