THE ERIE WAR RENEWED.

The Charge of Conspiracy Against the Company.

How the Conspiracy Was Initiated—Who Were the Principals—Expose of the Manner in Which the Company Transacts Its Business—Daily Expenses—Fees to Counsel—Judge Barnard's Decisions.

The long pending suit of the Erie Railway Company against Joseph Ramsey, Groesbeck, Eaton, Tailer and John Doe (Runkle) was resumed yesterday, before Judge Barnard, in the Supreme Court, Special Term, after an interval of some months. The complaint alleges a collusive conspiracy to get possession of the company.

COUNSEL ENGAGED.

Messrs. Field and Sherman appeared for the company, and a formidable array of counsel, including Henry A. Tailer, John L. Cadwalader, Charles Tracy, ex-Judge Porter, Henry Smith, of Albany; Rufus N. Peckham and Lyman Tremain, appeared for the defendants.

OPENING PROCEEDINGS.

The court room was throughout the whole day filled with an interesting throng of lawyers, who watched the progress of the case with rapt attention. The case was opened by the following

REMARKS BY JUDGE BARNARD—THE FIVE MILLION ALLOWANCE.

Before taking up this—the Erie Railroad Company against Ramsey and others—I deem it proper to state that mention was made the other day that I had given an allowance of five millions of dollars in this case. That was a falsehood when it was uttered. It was uttered as a falsehood, and it was uttered by a person who must have known at the time that it was a falsehood.

The examination of witnesses was then proceeded with.

JOSEPH GUPPY'S TESTIMONY—THE COURSE OF BUSINESS.

Joseph Guppy then testified:—I am employed in the Erie Railroad Company's office as Assistant General Superintendent.

Mr. Field—State the general course of business in that office.

Mr. Tracy—We object.

Mr. Field—I want to show that if this injunction had been carried out the company would have failed before three o'clock. We want to show that no money could be paid without a certificate of the Comptroller, and that the injunction was not removed till December. I wish to show by Mr. Guppy that this was a part of the conspiracy, and that it was a scheme to break up and overthrow the Erie Railroad Company.

Mr. Tracy said that this was not the time for the testimony offered.

His Honor overruled the objection and an exception was taken.

The witness then answered:—The vouchers for indebtedness are made by the heads of the department incurring the expenses; from there they go to the General Superintendent to be certified and are then sent to the Comptroller; from there they go to the Treasurer for payment.

Q. Without the authority of the Comptroller no bills can be paid by the cashier? A. No, sir; vouchers are put under the supervision of the Comptroller almost hourly; the amount of the payments by the Treasurer was from

$40,000 TO $50,000 A DAY.

Q. When are the pay-rolls made up? A. The pay-rolls come in about the 2d; the rule is to have them all in by the 5th, and payments are begun on the 10th; there are about 14,000 men employed by the company, of whom 4,000 or 5,000 are employés in the workshop; on the eastern division of the line alone we ran forty-five freight trains a day each way, and about thirty passenger trains each way; Mr. Eaton was counsel for the company in 1868; I have heard that he was dismissed.

Q. For what was he discharged?

Mr. Cadwallader objected.

Mr. Field—Oh! there is no imputation.

The testimony was ruled out.

Counsel, continuing—I was present in court when Mr. Eaton made an argument in support of this very issue of stock.

Cross-examined by Mr. Smith—I have held the position of Assistant Superintendent since October, 1863; my occupation before was clerk in the Erie offices of the General Superintendent; my place of business during the past few years has been in New York; the system I have described of paying the liabilities of the company has been in force since 1868, under the administration of J. Fisk, Jr.; Mr. Fisk was not the first to hold the position of Comptroller; Mr. Dudley Gregory was Comptroller in 1854 for one year; the Treasurer has refused to pay me for my services without an order from the Comptroller; the order to this effect was issued by Jay Gould, on determination of the Executive Committee, that the Comptroller should have the supervision of all the expenditures of the company; the Executive Committee was composed of Tweed, Fisk, Gould, Lane and Abraham Gould; I don't know whether there were any other members of it.

Q. Do you know if there has been any modern meeting of this committee? A. I suspect there has; the Board of Directors has held a meeting within a month.

Q. Can you identify any other meeting of the Board held within the past five years? A. Yes; but I cannot particularize any time; the assistant treasurer is Mr. Justian D. White; last year Jay Gould was president and treasurer both; I cannot tell whether the payments of the treasury department goes toward the improvement of the road; don't know whether they were contributed to the Grand Opera House; Horatio N. Otis is the secretary; Mr. Mortimer Smith is the assistant secretary; my particular duties are to make up times of train, and to attend to the duties of the general superintendent in his absence; I get $5,000 a year; that has been my salary two years; before that it was $3,500 a year.

To Mr. Smith—Abraham Gould is one of the directors; I don't know who he is; I have seen him sitting in the office; I believe he is reputed to be the brother of Jay Gould.

BIRD W. SPENCER'S TESTIMONY.

Bird W. Spencer then took the stand. He testified:—I am acting cashier of the company in the treasurer's office; I have been familiar, to a certain extent, with the financial transactions of the company; it has been part of my duty to draw up checks; during the months of November and December, 1869, the rule to be gone through before the treasurer paid bills was to receive a certificate of comptroller or president; an order was issued to that effect, both verbal and written; I was acquainted with Mr. D. B. Eaton in 1868; I saw him at the office often from 1st January till August, 1868.

Q. What was the sum paid to Eaton & Taylor for counsel's expenses during 1868?

Judge Barnard—That is a private matter.

Mr. Field here offered to read a copy of the complaint against the Erie Company by Ramsey, which was strenuously objected to by the other side.

Mr. Field—Assuming this to be the original complaint—

A chorus of voices in opposition—We object to any assumption.

Mr. Field—Then I shall have to send below for the original document.

This original document was eventually sent for and read. It has already been published in the HERALD.

HOW COUNSEL WERE PAID IN THE SUIT.

Mr. Field said one of the allegations made against the company was, that an endless number of counsel, who had received fabulous sums of money, had been employed. He proposed to prove that John K. Porter received $23,000 in one year and Mr. Eaton $39,000. "Here is a list of counsels' expenses," said Mr. Field.

Mr. Smith—Allow me to look at it?

Mr. Field—No sir; you will see enough of it by and by. For the year 1869 the sum paid to Field & Sherman was $36,281.

Judge Barnard ruled out the list of counsels' expenses as immaterial.

Continuation of Mr. Spencer's testimony:—During the months of November and December, 1869, I was in a position to know what payments were made in the office; a part of my business was to draw checks on the bank for regularly approved vouchers; if acceptances were accepted we would pay them without an order from the comptroller because an acceptance would not be given without the comptroller's order; I know Mr. Fisk credits the bills against the company; there is a general cash book including payments of all characters; that book has been kept since the organization of the company; the executive committee made the regulation; I have never seen them in session; I saw the board of directors in session last Wednesday; they have monthly meetings; there was a previous meeting of the board of directors in the summer months.

Mr. Smith—How do you know it was a meeting of the board of directors?

Witness—I saw Mr. Gould there.

Mr. Smith—It might have been a Sunday school class.

Mr. Sherman—Not without you being there.

Mr. Smith—Oh, there might be a Sunday school class without my being there. I hear you have one on the other side, but I am not in your class. (Laughter.)

CORNELIUS A. RUNKLE'S TESTIMONY.

Cornelius A. Runkle, the next witness, testified:—I have known Mr. Ramsey fourteen years; served a notice of appearance on the Erie Railroad Company on the 24th of November, I should say after eleven o'clock; I drew it up that morning in my office; I delivered that at the request of Mr. Eaton, before I knew a suit was to be commenced (another notice produced); I drew that notice on the morning of the 26th; I think something was said about my fees when I delivered the notice; the pleadings were left with me, and I think there was an order of suspension left with me and an injunction order; I have no recollection of any order of receiver having been given to me; those papers are now in the pigeon holes of my desk; between the 24th and the 26th I had consulted with no one upon the suit and had not moved a step; I advised Mr. Stopford to commence a suit against the company; I heard that Mr. Stopford commenced the suit.

Mr. Field—Did he commence that suit on nine shares of preferred stock you bought for him?

Mr. Tracy objected. Objection overruled.

Witness—I sent Mr. Stopford to Mr. Eaton to bring that suit; I bought some stock of the company for the purpose of suing the company; Stopford sold the stock back to me; I bought it at the same price, or, I think, a little higher; I don't know what transpired between Mr. Stopford and Mr. Eaton; I furnished the money to buy the stock; I knew that Mr. Eaton was litigating that question.

To Mr. Cadwallader—The question I wished to test was whether the preferred stock should pay interest or dividends; Mr. Eaton had no connection with me in the matter; I appeared for the company in 1859 in a foreclosure suit; on the morning of the 24th of November, about ten o'clock, Mr. Eaton came into my office and said a suit had been brought against the Erie Railroad Company and certain directors to suspend them; that the papers had been served on Mr. Dibbin, and that Mr. Dibbin had asked me to appear for the company; that I was to take no steps until I heard from Mr. Dibbin, as there would be probably a meeting of the non-suspending directors, who would take some action and let him know; then I served my appearance; Mr. Eaton came in again on the 26th, and said Mr. Dibbin had altered his mind and I revoked the appearance.

To Mr. Field—I never did anything for the railway company except in connection with Mr. Eaton.

JOSEPH W. STOPFORD'S TESTIMONY.

Joseph W. Stopford—I brought a suit against the Erie Railroad Company; I first had an interview with Mr. Runkle, who came to me about buying some shares of preferred stock for the purpose of bringing a test suit; he paid for the stock and I received and kept it; I then went to Mr. Eaton at Mr. Runkle's request; Mr. Eaton said that a number of parties were interested in the case, and the probability was that the expenses would be twenty-five cents a share; I gave the stock back to Mr. Runkle, who took it at the same price he gave for it; I received the stock in May, 1869, and gave it back in November or December; there was about one hundred dollars difference in the value of it.

To Mr. Smith—The object of the suit was to test the question whether the stockholders should be paid their dividends; I was selected, I suppose, because I was a friend of Mr. Runkle; I was engaged as clerk in the Tenth National Bank, and I withdrew my suit after Fisk and Gould had become possessed of a controlling influence in the bank; I had a conversation with Gould, who wished me to employ him as my agent to continue the suit; I withdrew the suit about a week afterwards.

To Mr. Field—Mr. Runkle and Eaton said I should receive of the profits realized from the suit.

A SCENE BETWEEN COUNSEL.

Here an amusing discussion took place between Mr. Smith and Mr. Field, creating considerable laughter. Mr. Smith insisted that the latter had asked a certain question.

Mr. Field replied—I didn't.

Mr. Smith—You did. Wont you believe me when I speak the truth?

Mr. Field—It is so seldom that you do.

Mr. Smith—You cannot recognize the truth when it is spoken. (Laughter.)

Witness—When Mr. Eaton first spoke to me about the suit I was a citizen, so that I could bring a suit in the State Court, but afterwards I removed to New Jersey.

Mr. Field—Now I propose to read the deposition of Ramsey and Grosbeck taken in the suit of Ramsey against the Erie Railroad Company.

Mr. Smith objected to their admission, on the ground that Ramsey was competent to testify himself. It was not a deposition, nor had any deposition of Ramsey been taken in the case. Counsel cannot resort to testimony taken in another cause and put it in bodily here.

Judge Barnard—Mr. Field has a right to put such portions in that bear on the case.

The affidavit of Joseph B. Ramsey and also that of Mr. Eaton was afterwards fully read by consent of all parties.

THE CLOSE.

Judge Barnard expressed his opinion that upon the testimony he should have to dismiss the complaint against Ramsey. As far as the testimony went he was disposed to say that Eaton, Tailer, Grosbeck and Runkle have rendered themselves liable to have their action reviewed by the court; but so far as Ramsey was concerned, at present he was not able to see conspiracy on his part.

Mr. Tremaine then moved for a discharge of the complaint against Ramsey.

Judge Porter made a similar motion on behalf of Gresbeck, and Mr. Cadwallader also claimed the dismissal of the complaint against Tailer and Eaton.

Judge Barnard, after hearing the arguments offered, granted the motions in the case of Ramsey and Tailer to dismiss, holding his decision as to Grosbeck till this morning. As to Eaton, he would reserve his opinion till a future day.

ERIE THROUGH EDEN.

More Railroad Troubles in New Jersey—The Hoboken Common Council Throws Out a "Feeler" to the Erie Company—Great Expectations—Prospects of a Blockade—Is It Retaliation or to Offset the "Accounts Lost" from the Bank?

"Oh, they're goin' to tear up the rails, are they? Well, we'll see," and the stalworth, red-shirted fellow kept hammering away, as the new line was being laid towards the oil docks and cattle yards at the back of Hoboken. There was trouble brewing, but where to get at the root of it seemed as impossible as it is to understand the many other mysterious arrangements for which the State of Jersey is so famous. At the upper end of the Elysian Fields is a large swamp which extends close up to the adjacent mountain. This swamp has a charm, not of beauty by any means, but of waste. Through a portion of the widely-extending marsh run

COAL AND OIL TRAINS

to the docks, from the railroad depot. The track was laid over a year ago, and the business being of a flourishing character another track was laid. Now this was

GOOD ENOUGH

in its way, but in their wise and judicious foresight the sages of the illustrious Common Council of Hoboken had long before received plans on a map as to how the swampy wilderness should be disposed of, with the view, no doubt, that in time the seat of the national capital should be removed to that charming and romantic spot. The vision of

A BRIGHT AND PROSPEROUS CITY

rose up before the enlightened and far-seeing minds of the Council, and spacious streets and broad avenues were soon to obliterate the recollection of the chilly and unwholesome place. So the plans were made upon the map, and, truth to say, a very nice map it was. But the trains ran unmolested for a year, and would continue so to do were it not that real estate has become a very profitable business, and there are some, even in Jersey, not quite ignorant of the fact. And now comes the trouble. A shrewd real estate broker in Hoboken purchased this very place, which, were it not for the

INDEPENDENT AND ASPIRING RUSHES

that grow there in abundance, would make a splendid ground for a gig race. Now, the streets were beautifully laid out on paper, and, as luck would have it, the railroad track now laid in this

MODERN EDEN

cut through the corner of an imaginary house in what will in time to come be Seventeenth street. On either side of the track lies the sullen swamp, which looks as if suddenly stirred up from a long, lethargic repose.

The real estate broker having bought this particular piece of the property, and not being able to find the title of the company to any right of way, petitioned the Common Council, which, of course, being determined to protect its enterprising citizens, ordered the railroad authorities to take up the track, and was indulgent enough to allow six months' time for that important work to be carried out. This was inconvenient for the company, and the mandate of the august Council was disobeyed. To add to the indignity another track was laid. This was too much. So thought the real estate broker yesterday morning, for with startling significance he had served upon the Erie Company a notice announcing the fact that the Mayor and Common Council of the city of Hoboken, by resolution adopted November 29, had authorized and empowered owners of lots of land branching off Seventeenth street, in the city of Hoboken, to fill, grade and improve said street, and the company was requested

FORTHWITH TO REMOVE THEIR TRACK.

The mystic warning was duly sent to the company's offices. The real estate man was in a state of high expectation. He pointed out (on the map) the outrages which the daring company had perpetrated. "But," said he, rubbing his hands and bringing them together with an experienced slap, 'play or pay, sir;

THEY MUST PAY OR PLAY."

"What title have they got?" was the query of a friend. "Title?" he replied; "title, did you say? Why, none, sir—none in the world." "Then why did you allow them to remain so long in possession?" was another question put to the wily real estate man. "Ah, my friend," responded he, with a capital wink, "there you have me. It is a swampy place. The Erie Company made their road—filled up, you see—filled up. The Common Council empowered me to fill up. But they filled up, you see, and, of course, I was not going to prevent them, you know." This produced a laugh, and the foresight of the broker was considered

IMMENSE.

"But they must take away their track or pay, else the piles will be driven in to-morrow and the road will be blockaded," added the gentleman, and with that he looked upon the ground as if a thousand piles were going through the floor. This was the story.

THE OTHER SIDE

is somewhat different, since it is claimed that the Erie Company do not own the road at all, but merely enjoy its possession as the lessees of the Hoboken Land Improvement Company, which derives its right of way from the Stevens estate. The affair appears to be in a muddle, and should the piles be driven in to-day to prevent the traffic on the road some interesting developments may come to light.

THE COURTS.

Opening of the Court of Oyer and Terminer—The Peck Divorce Case—Crim. Con. Suit for $10,000—Action for Damages Against a City Railroad Company—Business in the Court of General Sessions.

COURT OF OYER AND TERMINER.

Opening of the December Term—Charge to the Grand Jury.

Before Judge Cardozo.

On the opening of this court yesterday morning the grand jurors were called and sworn in, after which the Judge delivered the following charge:—

CHARGE TO THE GRAND JURY.

GENTLEMEN OF THE JURY—I recognize so many of you as familiar with your duties that it will not be necessary for me, at this stage of the term, to do more than direct your attention to those matters which I am required to do by statute. I am directed by various statutes to charge you to inquire into offences against the law respecting lotteries, usury, extortion, violation of the election laws, the law against intoxication and frauds in the sale of steamboat tickets and obscene publications. Beyond this I do not think it necessary at the present time to detain you by any remarks. Matters of considerable importance will probably be submitted to you during the progress of the term, and if, in consequence of them, it should be necessary that I should submit to you any further instructions, I will have you summoned before me and give you such further charge as may be proper. You will, therefore, retire to enter upon the discharge of your duties.

Subsequent to the charge the Grand Jury retired, and then the petit jurors were empanelled, after which the court adjourned until Wednesday.

SUPERIOR COURT—SPECIAL TERM.

The Famous Peck Divorce Case.

Before Judge Jones.

Alfred Peck vs. Matilda Peck.—This case, as it will be remembered has been before the courts for a long time, was given yesterday morning a new lease of life through the Judge deciding to vacate the previous judgment and opening default, and allowing answer within ten days, without costs, on defendant stipulating to defer the issues when raised by answer and formerly reported for trial. Motion for alimony and counsel fee was granted. As to the matters referred to John C. Bushnell to take proof as to means and ability of both parties, and to report the proof, with his opinion as to how much should be allowed for counsel fee and alimony, it was further ordered that the motion should stand over to fix the amount to be allowed until the coming in of the referee's report, and then to be brought on by either party on two days' notice, and the other side to be heard on the referee's report and the affidavits filed on the entry of this order.

A Crim. Con. Case for Ten Thousand Dollars Damages Settled.

Thomas D. Crowe vs. Royal Houghton.—There was a large attendance in court, expecting some spicy developments in the trial of this cause, which was set down for yesterday. The plaintiff, it will be remembered, charged the defendant, an old and wealthy gentleman, with the seduction of his wife. Meantime, however, the case had been settled, and inquisitive searchers after the curious and complex phases of domestic life had to content themselves with the curiosities of railroad management as developed in the famous Erie Railroad litigations in the Supreme Court.

SUPERIOR COURT—GENERAL TERM.

Suit for Damages Against a City Railroad Company.

Before Judges Barbour, Jones and McCunn.

Delia Dickson vs. The Broadway and Seventh Avenue Railroad Company.—This is an appeal from a previous verdict for $3,000 for the plaintiff and asking reversal of judgment and new trial. On April 25, 1869, the plaintiff in getting out of one of the defendants' cars claims to have been seriously injured, several of her ribs being broken and sustaining severe internal injuries beside. Charging such personal injuries to the negligence of the conductor and driver in not stopping the car long enough for her to get out, a suit was brought for damages, with the result above stated. The case was argued at length. The Court reserved its decision.

MARINE COURT.

Before Justice Gross.

William H. Wells et als. vs. The Dry Dock Savings Bank.—This was an action brought by the Eckford Iron Works for the manufacture and putting up of a double-panelled, double-folding wrought iron door for the defendants. One of the plaintiffs testified that, having done other work for the bank, he was requested by its secretary to undertake this work, to make it a good, substantial job, with the statement that they were not particular as to the cost; that he (plaintiff) said it was not in his line of business, but that he guessed he could do it for them. There was no dispute as to the door being made in a first rate manner. The difference between the parties was as to the value. The price demanded by the plaintiffs was $926. Defendants tendered $300 as a fair compensation. The plaintiffs themselves—three in number—testified that the price charged was reasonable. Robert Patrick, a safe maker, called on their behalf, said that he should not have expended more than a quarter the labor on such a door, nor used as good material (Ulster iron); but, considering the labor expended in this case, he did not consider the bill unreasonable. On cross-examination he thought the superior material used and extra labor unnecessary; that he should have put up a door at a cost of about $400 on such an order. Kasmer Krenkel, safe maker, placed a value of $650 upon it.

The witnesses for defence were Gilbert W. Barnes, iron railing and door maker, whose valuation was $200; Peter H. Jackson, iron worker, $150 to $200, and Frederick H. Gross, who had done a large amount of such work for banks and banking houses, placed it at $230, or, with the material used by the plaintiffs, at $255. Decision reserved.

COURT OF GENERAL SESSIONS.

Before Judge Bedford.

The December term of this court commenced yesterday, City Judge Bedford presiding. After a day or two Recorder Hackett will preside, and Assistant District Attorney Fellows will represent the people. The first business in order was the calling of the panel of grand jurors. There was a very full attendance; but, owing to the fact that a grand jury was empannelled in the Oyer and Terminer, the Judge discharged the gentlemen summoned to act as grand jurors in the General Sessions till the 19th of this month.

DAYS SET DOWN FOR THE TRIAL OF MURDER CASES.

Mr. A. Hummel, associate counsel for George Nelson, Philip Cooney and Michael Martin, charged with murder, moved that these cases be tried at an early day. The trial of Nelson and Cooney was set down for next Thursday, and that of Martin for next Monday. The case of Lawrence Sullivan, indicted for murder, will be tried on Wednesday, the 14th inst.

Dr. Wolff, who is charged upon two indictments with manslaughter in producing abortions upon women, will be placed on trial on the 19th inst.

Morris Kehr, indicted for murder, will be tried next Friday.

At Judge Stuart's request the case of Michael Kearney, charged with homicide, was sent down for the same day.

"PADDY, THE SMASHER."

Mr. Fellows called Patrick Quinn to the bar, stating that he was known to the authorities as "Paddy, the Smasher." He said that on the 10th of July he was arraigned for a felonious assault and battery and pleaded guilty to simple assault. At the request of the complainant judgment was suspended. Subsequently he was put upon the island on a charge preferred by his wife and escaped from the hospital. Mr. Fellows asked that the judgment of the Court should be enforced on the old plea. Judge Bedford sentenced "Paddy" to the Penitentiary for one year and ordered him to pay a fine of $250.

Tobias Green, a boy, was tried upon a charge of stealing a pocketbook, containing eighteen dollars, from Hugh Smith, while riding on a Third avenue car. Mr. Hummel defended the accused. As the evidence was insufficient to sustain the indictment the jury rendered a verdict of not guilty.

ALLEGED EMBEZZLEMENT.

Frank C. Filley was acquitted of a charge of embezzling $200 from the firm of R. H. Ferguson & Co., publishers of a book entitled "The Capture, Prison Pen and Escape," for which he was one of the agents. It appeared from the testimony of one of the firm that the accused returned $100 of the money, and said that some of the parties to whom he had delivered the books had not paid him yet. The accused gave a detailed statement of his transactions with the firm, stating that he had served for years in the army. The jury were so well satisfied of his innocence that a verdict of not guilty was rendered without a moment's hesitation.

The following is the calendar for to-day:—The People vs. Patrick Carroll and John Collins, robbery; Same vs. William Wren, robbery; Same vs. Thomas Pendergast, mayhem; Same vs. George Livingston and William Burns, burglary; Same vs. John J. Nicholson, felonious assault and battery; Same vs. William Mosher, felonious assault and battery; Same vs. Joseph Douglass, felonious assault and battery; Same vs. Nicholas Conlan, false pretenses; Same vs. John Williams, grand larceny; Same vs. John Burns, grand larceny; Same vs. Charles Tucker, grand larceny; Same vs. Wilhelm Jonauing, grand larceny; Same vs. Michael Lycus, grand larceny; Same vs. James McCord, larceny from the person.

COURT CALENDARS—THIS DAY.

OYER AND TERMINER AND SUPREME COURT CIRCUIT—Part 1.—Before Judge Cardozo.—Opens at half-past ten A. M.—No Circuit calendar.

CIRCUIT—Part 2.—Before Judge Van Brunt.—Nos. 126½, 656, 802, 585, 1576, 1772, 6682, 1748, 2320, 3438, 3516, 1710, 1610, 956, 1758, 6752, 986, 1804, 1806.

SUPREME COURT—SPECIAL TERM.—Held by Judge Brady.—Opens at half-past ten A. M.—Demurrers.—Nos. 1 to 24 inclusive.

SUPREME COURT—CHAMBERS.—Held by Judge Ingraham.—Calendar called at twelve M.—Nos. 3, 4, 5, 28, 37, 51, 62, 64, 71, 75. Call, 86.

SUPERIOR COURT.—Part 1.—Before Judge Freedman.—Nos. 335, 93, 347, 359, 361, 355, 365, 391, 377, 139, 143, 191, 273, 395, 399.

SUPERIOR COURT—Part 2.—Before Judge Spencer.—Nos. 564, 504, 526, 544, 556, 9, 496, 272, 274, 298, 4, 72, 96, 260, 118, 234, 138, 402, 518, 216, 442, 498, 508, 548, 226.

COMMON PLEAS—TRIAL TERM.—Part 1.—Before Judge Daley.—Nos. 202, 270, 18, 105, 128, 308, 300, 60, 175, 81, 169, 130, 91, 444, 445. Part 2.—Before Judge Larremore.—Nos. 77, 430, 431, 433, 49, 290, 381, 363, 157, 281, 192, 372, 423, 410, 411.

MARINE COURT.—Part 1.—Before Judge Gross.—Nos. 1877, 3054, 4275, 4310, 4379, 4434, 4436, 4410, 4422, 4423, 4440. Part 2.—Before Judge Alker.—Nos. 4340, 4118, 4426, 4313, 4364, 4403, 4425, 4429, 4430, 4432, 4433, 4006, 4439, 4442, 4428.

COURT OF APPEALS CALENDAR.

ALBANY, Dec. 5, 1870.

The following is the day calendar for Tuesday, December 6:—66, 69, 13, 71, 72, 73. It has been ordered that hereafter only six cases be placed on the day calendar.

THE LAWYERS' JOUST.

The Business of the Law Courts for the December Term.

After the procrastinations attributed from all time to law procedures the work of the courts of this city, Federal and State, were fairly put under way yesterday morning. The election crisis being past and no special hindrance to the machinery of the law, save what the holidays may for a few days only intervene, it is to be hoped that the numerous class of litigants who have been so long waiting the opening of the legal lists will have their cases promptly disposed of. The bustle in all the courts predict heavy calendars, and of course proportionately heavy purses for the lawyers as the result of the legal campaign now opened.

THE UNITED STATES COURTS.

Judge Woodruff took his seat on the bench of the United States Circuit Court yesterday morning at eleven o'clock, at which time the courtroom was crowded with members of the bar mostly practising in the Circuit Court. The first business in order was the call of the calendar of civil cases—an alarming array for the Court to contemplate, however pleasant and prospectively remunerative it may be to the lawyers engaged. The whole of the term will be taken up in the trial of such cases as can be reached within the specified time.

In the United States District Court Judge Blatchford has been engaged for a couple of weeks in hearing the case of the United States vs. Jay Cooke & Co., known as the seven-thirty case. This being only one of several pending against other brokers, the whole involving half a million of dollars, it has been made a test case, and has therefore called for the best ability and legal efforts of the counsel on either side. The case will receive its final hearing to-morrow, when counsel will sum up, time being restricted to one and a half hours each. Judge Blatchford will then submit it to the jury in such a way that that body will have little difficulty in coming to a verdict.

THE CIVIL COURTS.

In the Supreme Court, Special Term, the great Erie Railroad controversy is going on, with all its grand trunk and branch lines and switches and ramifications, before Judge Barnard. In the other branches of the Supreme Court—Chambers, Term and Circuit—the work for the term has been inaugurated, and judges, counsel, clerks, witnesses and principal litigants fill up the court rooms, making passage through the crowd difficult.

In the Superior Court divorce and crim. con. cases held paramount sway over all other causes of action. The *habitués* of the Court of Special Term, who form a penchant for these classes of cases, and crowd the court room day after day, were yesterday morning disappointed of their accustomed high flavored treat of scandal in consequence of the settlement of a crim. con. case which was set down for trial. The gay Lothario—more sensible than the most of his tribe—after putting a bold front upon the matter from the beginning, seeing that it was only pecuniary damages, which his pocket could liquidate, and not personal, which he had a horror for, that was put in jeopardy, thought better of it at the eleventh hour and came down with the "needful" required to assuage the outraged feelings of the plaintiff, and the case went off, to the infinite disgust of all who came to listen to the anticipated disclosures of a crim. con. suit. But there are plenty still of such cases on the calendar, some of very old standing and stale in all their immoral details. There is the old Bishop divorce case, the Dalzell ditto, the Peck ditto, and others too numerous and more unprofitable to mention. In other branches of the court there are several city railroad cases, stockjobbing suits and contract and partnership controversies, which find congenial atmosphere here.

In the Common Pleas there is a large calendar of cases, which the close application of the judges to their work will, no doubt, justly, if not satisfactorily to all parties, clear off with the least of possible delay.

The calendar of cases in the Marine Court is heavy, and will keep the judges with hands full for some time to come. The assignment of the judges for the term are:—Judge Gross, Jury Trial, Part 1; Judge Alker, Jury Trial, Part 2, and Judge Joachimsen, Chambers, and for the trial of such cases as may be sent from the calendars of the other courts. Arrangements are being made by the judges which will insure the holding of three courts for trials before juries, besides the Chambers. In one of these jury courts preference will be given to cases of arrest of the person and attachments against property, so as to expedite the disposal of that class of cases where the Sheriff has possession of person or property. At present the judges are prevented from carrying out their laudable object of expediting and disposing of the pressure of public business before them for want of court accommodation, from which, in fact, the large class of litigants who seek protection and redress in the Marine Court are the great sufferers. Judge Joachimsen is compelled to hold chambers and try cases in the small room hitherto occupied as private chambers by the judges. There are some repairs and alterations being done to the court formerly devoted to court chamber business, which ought to be pressed to completion at once, and would be, no doubt, if the powers that be were aware of the great necessity that demands it and of the great inconvenience and discomfort to the judges their present inadequate accommodations and cramped condition entail upon them. *Verbum sap.*

THE COURT OF GENERAL SESSIONS.

Notwithstanding the terrible lesson which the presiding judges of this court—Recorder Hackett and City Judge Bedford—have been inculcating to the dangerous classes in the community, resulting in sending so many criminals to expiate their offences within the dread confines of Sing Sing, each calendar proclaims the cry—"Still they come." It is, indeed, almost as hopeless a task as that of Sysiphus, but if the criminals can stand punishment, surely the judges can stand the sentencing of them to that punishment. Two murder trials are on the calendar of the court—for the present term—one of which will be tried on Thursday next and the other on the 14th inst. With this state of things before us the full severity of the law cannot be relaxed, and the only hope of a change for the better is to be found in the execution of the laws, in the faithful discharge of their duties by juries, and in the inflexibility of the judges in pronouncing sentence on the convicted.

THE COURT HOUSE COMMISSIONERS.

A Breeze Among the Court House Hangers-on—The Shadow of an "Event" Casting Its Shadow Before.

The Court House Commissioners held another little confab yesterday afternoon, although they have not yet been able to settle down into anything like a formal resolution to get things right in Court House quarters. Their private confabs so far, however, have opened their eyes to a good deal that may be astonishing to some people who don't know everything, and yesterday's little talk

BEHIND THE SCENES

foreshadowed much of the campaign that Messrs. Norton, Coman, Ingersoll and Walsh intend to carry out before another new moon makes its appearance. The Commissioners appear to be in serious earnest, and if the whisperings in the hallways yesterday afternoon can be relied upon there will soon be considerable of a thunder storm among contractors who have imagined up to the present that they would have everything their own way under the rule of the new powers that be. The latter, during their little confab yesterday, took occasion to examine, in a kind of informal way, into the claims against the late Board of Supervisors for Court House construction purposes, and were rather taken aback at the result. Among other things they discovered that one contractor has a claim of five per cent on the cost of construction, which of itself foots up $35,000; that another wants four per cent, and that the total averages amount to a sum that would, if allowed,

SWALLOW UP THE $600,000

appropriation upon which they must solely depend to finish the work. To give outsiders a hint as to the warfare that is to come, the Commissioners yesterday notified twenty-eight janitors that if they worked in the building any longer they could do so for their own amusement, without pay, as they could not be recognized as in the employ of the Commissioners, or as being entitled to any pay since the act creating the new order of things had become a law. This down swoop raised a terrible breeze, and the friends of the guillotined men threatened all sorts of reprisals. "We're going to begin business with only our own responsibilities on our shoulders," exclaimed Messrs. Norton and Coman, after the confab, to an excited contractor; "we don't intend to carry any other person's load. We intend to do right and put down what is wrong." The Commissioners will meet formally to-day.

HORROR OF HORRORS.

Examination of Lookup-Evans-Ward at the Tombs.

Fearful Confession of a Witness—Why Women Die in This City—The "Doctor's" Medicines—Judge Dowling's Memory Again.

"The abominable creature; see how he shakes with fear," said a respectable-looking lady in the Court of General Sessions yesterday morning as Dr. Thomas Lookup "Evans," alias "Powers," alias "Ward," alias "Kennedy," was brought in for the purpose of undergoing a final examination before being handed over to the City Judge. Notwithstanding the apparent spitefulness with which this lady expressed herself with reference to Evans, every one who heard it readily concurred in its truthfulness. After standing for a moment, as if the better to ascertain who were his auditors, Evans took a seat near the bench, but it was impossible for him to rest quietly on his chair. He shifted first to one edge of the chair, then the other; his whole frame shook, and his hands trembled so visibly that any one unacquainted with the "Doctor" might naturally have concluded that

HE WAS AFFLICTED WITH ST. VITUS' DANCE.

His eyes rolled about in his head, while he appeared to have some kind of cud in his mouth, which he chewed incessantly from the moment he entered the court until he left it in company with the jailer. He was "as pale as death," and his every gesture was nervous and awkward. He was first reminded, in that pleasant tone which judges only know how to employ, that he was there on the charge of having caused the death of one Mary Geary, who had come to his establishment at No. 94 Chatham street for the purpose of seeking his aid as a physician, she being then somewhat advanced in pregnancy; that while in his house she died, and that the testimony (previously published in the HERALD) went to show that her death was the result of malpractice, instead of dying as he, the "Doctor," said, from puerperal convulsions; but it would seem from the evidence the Doctor produced yesterday that the word "malpractice" was an extremely weak expression and might be replaced by a stronger and far more appropriate term. When asked what medicines he gave he replied, "On,

SARSAPARILLA, AND PILLS

made of corn meal colored; and when pressed he was unable even to state approximately what effect these things were intended to produce on the human system. In fact he did nothing but confirm his own ignorance. Every question put to him he answered hastily, while his face twitched and the inevitable cud rolled rapidly about between his teeth. So verbose was he that his counsel, Messrs. Howe and Stewart, had constantly to check him, and desire him to reply only to questions asked. This was of no avail with the Doctor; on he rattled, in the most sanguine manner, concluding every outburst with the words, "But I only used sarsaparilla and a wash."

EVANS LOOKED LIKE A TIGER

when requested by Assistant District Attorney Sullivan to "hold up his head and look him in the face like a man"—a matter that appears difficult for this Malthusian gentleman to accomplish. The first witness called and sworn was Anne O'Neil, and all present were appalled with the details she revealed, with the exception of the Doctor, who was constantly suggesting some new ideas to his counsel, while this person was particularizing the transactions between them. This unfortunate girl had a somewhat pleasing though by no means handsome countenance, and was observed to tremble and be visibly affected by some of the questions put to her by counsel, especially when she made her fearful confession of having twice asked Evans to procure abortion for her. Five years ago she left her parents in Ireland, came to this country to a situation, was not married, though she gave birth to twins in Evans' house. As to the

AUTHOR OF THE CHILDREN'S EXISTENCE,

he was not in the city, and if he were it was nothing to do with the case, and she refused to furnish his name to be bandied about in the court. On the 10th of August last, after some previous correspondence and visits, Dr. Evans applied an instrument, which she thought was called a "catheta," and consisted of a pencil shaft and a piece of caustic. After this the replies she made in cross-examination were perfectly immoral and quite unfit for publication, though it was perhaps necessary on the part of the prosecution to receive such answers. At one o'clock the author of

"THE DEVIL BROUGHT TO GRIEF"

as Evans is called, was placed upon the stand at the request of his counsel. He gave his name and business as a physician coolly enough, but it was clear that the facts of his having matriculated and taken a degree in the College of Physicians, Edinburg, Scotland, and that he was formerly a pupil of the late Professor Simpson, of that city, had to be forced from him.

"I AM NOT GUILTY,"

yelled the Doctor, "and desire to testify on my own behalf." "With all my heart," returned the District Attorney; "swear away, it matters little on whose behalf." Evans said he had practised as a physician ever since 1840; that Anne O'Neil came to him for the purpose of being treated for a disease she had contracted, although at that time she was pregnant. I gave her sarsaparilla and pills made of colored corn meal, and do you mean to infer that these simple remedies would produce a miscarriage? She intended to stay at my house until after she was delivered. She remained there three months—viz., from August to November—during which time every one observed her condition."

EFFECT OF HIS MEDICINE.

"What effect would this medicine of yours produce?" said the District Attorney, "and what were your representations to her when you gave her the pills made out of corn meal? Did you not say they would produce abortion, or what did you say to induce her to take them?" This floored the poor Doctor so completely that he could not answer. First he hesitated, then he muttered some unintelligible sentence, and subsequently admitted that he could not describe the effect the substance might have upon the system;

IT MIGHT WORK UPON THE MIND.

"Oh, certainly," ejaculated his counsel; "Dean Swift is reported to have effected many notable cures by giving medicine to operate upon the mind."

"It is not an unusual thing," continued Evans, "for women bearing two children at a birth to die in the city."

"Why in the city?" asked the Judge.

"Oh," said the doctor, "well, ah, hem! why because the air is so impure. Do you see?"

"No," laughed Algernon Sullivan, "we don't see; you must mean the milk is bad and not the air."

"I mean the air," said Evans.

After numerous "squalls" between Judge Dowling and the counsel for the defence on the subject of asking Evans questions as though he were a medical expert the defendant went on to say that one of O'Neil's children lived until the Sunday night following the Saturday on which they were born, and the other lived only up to the following Thursday, when it also gave up the ghost; that he had three rooms, and sometimes had from four to six patients in them at one time; that Mrs. Dickinson was the party who collected the moneys from the parties, and when they failed to pay he gave her the money out of his own pocket. Sometimes there were two or three patients in each room. Regarding the medicines, he said at first he wrote prescriptions, and had them made up by a regular practical assistant; then that he had a compounding clerk; but finally, after close cross-questioning, he admitted that the lad who made up the "wash" (a mixture consisting of sulphur and water) he had trained for the business himself. "Very simple, sir; nothing but sarsaparilla." Anne O'Neil came to him about the 2d of July; but he kept no accounts whatever—"never"; he gave her a little licorice water once, but he kept no memorandum of the date. Ex-Judge Stewart was about to make some remarks about the ruling of a judge of a Supreme Court, when defendant was asked how many times he had been arrested, but Judge Dowling said that he did not "care a fig" for Supreme Court judges, and intimated that he was "boss of that shanty."

ARRESTED SEVEN TIMES.

"How many times have you been arrested?"

"About twice," said Evans; "but it was for foolish things; I am a most unfortunate and persecuted man."

"Where have you lived besides Chatham street?"

"I have lived at 116 and at 94 Chatham street, in Elm, Lispenard, Franklin street, and also in Broadway; also in Stanton street; I was arrested three times in Chatham street, once in Elm street; I was taken before the Essex and Jefferson Market Police Courts while in Lispenard street; eight years ago I was arrested in Franklin street, and once while in Broadway a crowd gathered around my place and I was arrested there also." These questions were only arrived at after much jogging of his memory by the Judge, as he persisted in forgetting everything until he was closely pressed to answer. "I was never arrested for selling sarsaparilla on a Sunday—never."

"Did ever the mother and child leave your house together?" "Yes; sometimes."

"How,

IN A COFFIN TOGETHER?"

"Never; they walked out."

Mrs. Collins, 191 Stanton street, formerly a patient and subsequently a tenant of the Doctor's, gave some interesting and amusing testimony regarding the Doctor. She said he sometimes called her "cousin," and as he was a truthful man she supposed he was trustworthy. She came from Liverpool when she was as full grown as she is now; but though she married shortly after she could not remember her age at the time she came to this country and did not know her own age.

"Are you not a sister of the "Doctor's," and if he were to die would you not send in your claim to a share in his wealth?"

"I don't know if I am his sister; my mother died when I was young, and my father married again and now

HAS SIXTEEN CHILDREN;

I won't swear that I am or that I am not his sister.

After a lengthy cross-examination and an immense quantity of counsel "chit-chat," it was agreed, on the part of the defence, to subpœna Drs. Parker and Sayres to prove that the instrument employed by Evans was not intended to procure abortion, but to cauterize for a disease, and the case was adjourned to Wednesday morning, at ten o'clock.

NEW YORK CITY.

Miss Kate Field lectures to-night at Association Hall, Twenty-third street and Fourth avenue, on "Charles Dickens," under the auspices of the Young Men's Universalist Association.

John Costello, whose parents reside at 197 Elizabeth street, drank whiskey freely on Sunday last. He was nine years and one day old when he commenced to drink and nine years and two days old when he died.

At the annual election of officers of Greenwood Cemetery, held yesterday, the following gentlemen were re-elected to serve for the ensuing two years:—William H. Aspinwall, James W. Beekman, Arthur W. Benson, Benjamin H. Field, Alexander M. White.

The annual report of the German Hospital Society shows that during the past year 500 male and 14[illegible] female patients were treated in the hospital—total, 739. Of these eighty-two died and 600 were discharged. Three hundred patients were treated free of charge. The expenses were $20,000.

The stone landing for small boats, work upon which has been going on for some time past, will soon be in a condition for use. It is situated near the Staten Island ferry landing, and, when finished, will consist of a sort of basin in which the boats can enter with the utmost safety in all weather and tides. Stone steps, well guarded, will lead to the basin from the level ground above.

James Mace and Joe Coburn, the heavy weight pounders, through their representatives, met yesterday at noon and signed articles of agreement to appear on the 11th of April next at Canada and endeavor to disfigure and disable each other for $1,000 a side and the amusement of loafers, gamblers, cut-throats and others who may be present. All similar "amusements"—dog fights, rat baits and cock fights—set down for that day will be postponed.

The quarterly payment of pensions commenced yesterday morning at the Sub-Treasury, corner Nassau and Wall streets. Several hundred disabled and maimed soldiers remained in line waiting for their turn for many hours. Up to noon 175 had received their checks and been paid off. Of that number eighty had lost legs and arms; they receive $15 a month. The payments for minor disabilities are $8, $6 and $4 a month. These payments are for privates. Captains receive $20 a month, majors $25, and officers of higher positions $30.

Coroner Schirmer held an inquest yesterday in regard to the mysterious death of Patrick Vaughn, sometimes known as George Johnson, who was shot by some unknown person on the corner of Mulberry and Chatham streets, on the morning of November 28. Deceased persisted in stating that he shot himself accidentally. His mother testified that he told her shortly before his death that it was "a man did it, but it was accidental." The doctors asserted that the nature of the wound was such as to render it impossible that he shot himself. A man named Michael Corrigan is supposed to have shot him, and the officers who have been detailed to work up the case state that Corrigan has fled the city. Coroner Schirmer declines to allow the inquest to be closed until the arrest of Corrigan. The affair is a very mysterious one to say the least.

IMPORTED STOCK.

Valuable Acquisitions to the Central Park.

NEW YORK, Dec. 5, 1870.

TO THE EDITOR OF THE HERALD:—

There arrived on Saturday at the Central Park three of the finest specimens of Southdown bucks ever imported into this country. They were brought over with great care on board the Cunard steamer China, and every attention given them on their passage out. Food suited to them was furnished in abundance, so that on their reaching here they were in splendid condition. They were selected by Mr. George Fox, of the house of A. T. Stewart & Co., at Manchester, and the Department of Parks is much indebted to him for his generous kindness in the business.

The department is now erecting in the Park at Seventy-second street

A LARGE SHEEPFOLD,

where it is intended shall be found at all times hereafter the best sheep of England and Saxony, for sale to country gentlemen and farmers who desire to raise pure breeds of sheep, noted for their wool and all the other qualities that make that animal so desirable to be reared in this country.

The sheepfold will be so arranged that ladies and gentlemen visiting it may inspect the sheep and interest themselves in sheep culture. Every one knows that it is quite as economical to raise good sheep as poor ones, and the department believes that by placing the sheep they intend raising for sale at a moderate fixed price they will not only make the business self-sustaining, but besides—and which is of greater importance—will furnish a quality of animal whose flesh and wool will be such as cannot prove otherwise than highly profitable to those who may be so fortunate as to secure them for raising at their farms and country seats.

THE SPECIMENS RECEIVED

are uncommonly large and gentle, with a fleece unsurpassed for texture and quantity. They are premium bucks from the fair at Smithfield, and no one can look at them without feeling convinced that they are all that can be claimed for them.

Others will be added to these of the Coteswold and Leicester breed, and also from Saxony, so that by the time the sheepfold now building is finished any visitor to the Park will be able to see an exhibition of the finest quality of sheep in the world and understand why it is that foreign wool is so necessary to be imported.

THE CAISSON FIRE.

Investigation by the Fire Marshal—Beauties of Working in the Caisson.

Yesterday morning Fire Marshal Keady, of Brooklyn, resumed his investigation as to the fire and its origin which occurred in the caisson of the East river bridge on Friday last. The water was forced out of the caisson yesterday by forcing in air, and to-day the work of cutting out the burned part and filling in the hole in the sides will be commenced. Mr. Roebling is of the opinion that the burned space is not more than five feet in height and twelve or fifteen feet in length. The damage cannot exceed $500. It requires 1,000,400 gallons of water to flood the caisson. Mr. Roebling testified that every precaution was taken to prevent the caisson taking fire, all the oakum seams being covered with cement,

EXCEPT

in the place where it caught fire; when it was discovered at half-past ten o'clock on Thursday night that a fire was smouldering in the heart of the yellow pine timbers, as previously published, a hole was bored of sufficient size to introduce a hose, and the water was played in upon the fire until they believed it had been extinguished entirely; they then resumed work; subsequently the atmosphere became so dense there that Mr. Roebling feared that he was becoming paralyzed and made the ascent to the surface; he had to be rubbed with salt and spirits for a couple of hours in order to restore circulation; Mr. Young, the foreman, is now confined to his dwelling,

SUFFERING FROM PARALYSIS,

consequent upon his protracted work in the caisson; several of the workmen have also been similarly affected; the flooding was good for the caisson; there was no sign of defection or yielding in the roof when the last man came out of the caisson on Friday; "Fire is the only thing we have to fight," Mr. Roebling says; if the air pump was stopped at any time all the men could get away, as for six hours there would be enough of air remaining there to support any number of men.

The examination will be resumed to-day.

RAILROAD RATES.

The Hudson River Local Arrangements—Equalizing Fares by Increasing Them.

In view of the reported conclusion arrived at by the railroad magnates who met in convention at the St. Nicholas Hotel last Friday, to the effect that there should be no increase of fare demanded on their various lines, it may not be deemed inappropriate to present a forcible illustration of the manner in which one of the most powerful railroad corporations in this State is evincing its regard for the opinions or welfare of the travelling public. Prominent among those present at the Convention—and on whom Dame Fortune has smiled with unwonted sweetness—was the Vice President of the New York Central and Hudson River Railroad. The liberality (!) of those whose interests he represented may be fully appreciated when it is stated that on the previous day an increase of nearly twenty five per cent was added to the rates of fare on all trains running north of Yonkers, between this city and Albany. This unscrupulous extortion is perfectly consistent, however, with the antecedents of the directors, who, while compelled to reduce their freight and passenger tariff rates in order to compete with the inducements offered by river navigation during the summer months, never fail to "bear down" on those whose business compels them to patronize that road when once the inclement season sets in. The indifference displayed towards the comfort and accommodation of way passengers on the Hudson River Railroad has long been felt and demurely borne by the thousands who are conveyed to and from the city daily in unkempt and half heated cars, and who prefer enduring the palpable neglect in silence to evoking the insolence of an uncouth conductor or the ruffianism of an inexorable brakeman.