THE COURTS.

The April Term of the United States Circuit Court—Bankruptcy Proceedings—Charge of Detaining Letters—The Police Justiceship Wrangle—A Marshal's Levy—Decisions.

UNITED STATES SUPREME COURT.

Taxation of Undivided Gains of Corporations—Authority of Insurance Agents to Make Special Contracts.

WASHINGTON, March 31, 1871.

No. 122. *C. Brainard, Collector, &c., vs. Henry C. Hubbard.*—Error to the Supreme Court of Errors of the State of Connecticut. During the year 1864 two joint stock corporations located in Connecticut, of which the defendant in error is a stockholder, having made a certain amount of money beyond their expenses, applied the surplus in paying debts incurred in previous years, and in purchasing raw material, machinery and real estate necessary to the management of their business; and after disbursing for such purposes, divided the balance among their stockholders. The defendant in error made return of these dividends as part of his income, but the answer claimed that he was, in addition, liable to pay an income tax on such a proportion of the entire amount made, without deducting such expenditure, as his stock bore to the whole capital. This question was presented to the Court below, and the judgment was for the stockholder, who sued to recover the amount paid, having paid it under protest. The government brings the case here, insisting—first, that under the act of July, 1866, the action is barred, and second, that the tax was legally exacted. It is said that by a true construction of the internal revenue acts the intention appears to tax the individual gains and profits made by all corporations, as well as those which are divided among the stockholders. The defendant in error maintains that the expenditures so made by the corporations were not gains and profits, and were not, therefore liable to be taxed.

No. 126. *The Hartford Fire Insurance Company vs. Ethan Spencer and Galen Spencer.*—Error to the Circuit Court for Indiana. This was an action upon a policy of insurance issued by the company in November, 1857, for one year and renewed and continued in force by a new contract for one year from its expiration. At the time the policy was taken out, as claimed by the insured, they asked of the agent and obtained permission to retain on sale certain kegs of gunpowder then among their goods, and that this fact was known to the company before the renewal and extension of the policy. It is also alleged that the same agent subsequently insured the parties in another company for a further sum and that that fact was also known to the company before the renewal and extension of the policy. The Court charged the jury that if these facts were found by them then the provisions of the policy against keeping gunpowder on sale and against the goods being also insured in other companies, failed as a defence to the action, and the insured were entitled to recover on their policy. The verdict and judgment were accordingly for the insured; and the company bring this writ maintaining that the charge was error and that the company should not be held to have notice of the facts alleged, because they were known to the agent. Agents, it is said should not be allowed for their own gain to make new contracts for the company. The policy was the law of the contract, and its terms could not be changed by the acts or words of the agent. In this case the agent acted for two companies, and he should not be held to bind the companies as to notice, except as to those acts done for each.

No. 127. *Dunlof et al. vs. Buntz.*—Error of the Circuit Court for the District of Louisiana. This was an action to recover certain lands in the parish of Ascension, La., which had been sold at sheriff's sale to satisfy a judgment, on the ground that the sale was void for irregularities, and upon the further allegation that the Marshal should have followed the mode of proceedings of the State Courts in such case, the United States Circuit Court having adopted that as the rule, the questions are local and unimportant.

UNITED STATES CIRCUIT COURT.

The April term of this court will commence on Monday next, before Judge Woodruff. The Grand Jury came into court yesterday morning and handed in a number of indictments, among them being one against John Rankin for passing a twenty dollar counterfeit bill, and another against Antonio Pelletier for having in his possession an altered United States bond. The Grand Jury were discharged for the term, the Court thanking them for the attention they had paid to the discharge of their duties.

UNITED STATES DISTRICT COURT—IN BANKRUPTCY.

The following is the calendar of involuntary cases in bankruptcy to be disposed of by Judge Blatchford this morning:—

2992. James Ollivell et al. vs. Stephen Cornwell.
2998. Frederick Herbs et al. vs. Andrew Moore.
2999. W. M. Whitney vs. George Mercer.
3001. George T. Bellows vs. Simeon Leland, Charles Leland and Warren Leland.
3002. Samuel Booth vs. Same.
3003. H. G. Ely et al. vs. David Kempner.

CASES FOR ARGUMENT.

29. In re Charles A. Morford, bankrupt.
1862. In re Abraham C. Prince and Robert Prince, Jr., bankrupts.

UNITED STATES COMMISSIONERS' COURT.

Charge of Detaining Letters.

Before Commissioner Shields.

The United States vs. T. H. Bryant.—The defendant is master of the American ship Isaac Rich. A letter had been entrusted to him at a port in Dutch Guinea to deliver at the Post Office of New York when his vessel should arrive at the latter place, and the government claimed that Mr. Bryant had neglected to deliver the letter to the Post Office, as he was bound to do under the law of Congress. The evidence clearly showed that Mr. Bryant was not in fault, and the District Attorney consented to his discharge.

SUPREME COURT—CHAMBERS.

The Wrangle Over the Police Justiceship in the Yorkville Police Court.

Before Judge Cardozo.

The People ex rel. Masterson vs. Coulter and The People ex rel. Murray vs. Coulter.—This case, which has been before the courts to an *ad nauseam* extent, involving a dispute between John S. Masterson, Henry D. Murray and James E. Coulter as to which is entitled to discharge the functions of police magistrate in the Fourth District or Yorkville Police Court, was up again yesterday, and gave the lawyers for the respective combatants an opportunity to renew their extended legal arguments on the subject. As is well known, Mr. Coulter *prima facie* has the inside track, the Board of Canvassers having awarded to him the certificate of election. After the contestants for the seat instituted legal proceedings, which was done in the name of the Attorney General in the nature of a quo warranto, a motion was made to consolidate the two actions and try them conjointly. Counsel for Mr. Masterson, and as representing the Attorney General, appeared on this motion and stipulated that this suit might be consolidated with the other. At this time counsel for Mr. Murray, however, was not present, and in regard to his suit no argument could be made. The stipulation in the Masterson suit was subsequently disavowed by the Attorney General and the suit ordered to be discontinued, and an order to this effect was entered and costs of the suit tendered, but which was refused. On part of Judge Coulter the motion was renewed for consolidation, and that the order discontinuing the Masterson suit be vacated. It was insisted for the motion that a suit of this character having once been commenced by the Attorney General he could not discontinue it, but must continue it to its judicial determination; and, further, that as the testimony would be substantially the same in both cases, and given by the same witnesses, that it was the best the two should be consolidated. In opposition to the motion it was urged that the Attorney General, by the code, had the power to decide whether he would or would not bring a suit of this character and that this power included the right to discontinue a suit if he thought it advisable to do so; that the control of this kind of suits had been taken away from the Court, making the Attorney General judge in the matter; that this motion was made in bad faith, in order to enable Mr. Coulter, by the double suits and the cloud of doubt they would raise, to keep himself in his present place. In reply to this it was urged that giving the Attorney General the discretion referred to was an innovation on the common law and required very strict construction. The discretion of the Court was personally a judicial discretion and free from the influences of politics and should be kept so. The Court reserved its decision.

SUPERIOR COURT—TRIAL TERM—PART 2.

Suit for Damages and Disagreement of Jury.

Before Judge Van Brunt.

James H. McMillan vs. Charles Knox.—In this suit, the full particulars of which were published in yesterday's HERALD, and which was an action to recover $20,000 damages for alleged forcible ejection, the jury were unable to agree. The jury were out three hours, and it being declared impossible for them to agree, they were discharged.

SUPERIOR COURT—SPECIAL TERM.

Decisions.

By Judge Jones.

Isabella F. Francis vs. William C. Francis.—Reference ordered.
Alexander Underhill vs. John C. Lyst.—Order granted.
Solomon Backman vs. William B. Dinsmore.—Same.
Joseph Parks jr. vs. James Pursell.—Same in both suits.
Aaron Dodd, et al., vs. Charles T. Stetheim.—Same.
James Patterson vs. Charles T. Stetheim.—Same.
Philip L. Freeman vs. Julius Ruthman.—Same.
Margaret Sersleman vs. William Sanger.—Same.
Edward T. Christianson vs. Robert Wert.—Reference ordered.

COURT OF COMMON PLEAS—TRIAL TERM—PART 1.

A Marshal's Levy.

Before Judge Loew.

Schroeder vs. Thompson and Murphy.—The plaintiff in this action claimed that he purchased a liquor store and restaurant in Pearl street from a man by the name of Hermann Doyer, and that a day or two after Thompson seized the property under an execution in favor of Murphy against one Kramer. Plaintiff claimed that he bought the property, while defendant maintained that he did not, and that no change of property had taken place, and that Kramer was the real owner. Murphy farther pleaded that he never authorized Thompson to seize the property. The jury found a verdict for defendant.

COURT OF COMMON PLEAS—SPECIAL TERM.

Decisions.

By Judge Robinson.

Slatterly vs. Coulter.—Motion denied, with ten dollars costs.

Harrisson vs. Van Cott.—Motion for examination of creditor of judgment debtor denied, and order discharged, with costs.

Johnson vs. Ackerson.—Motion denied, with ten dollars costs.

By Judge Larremore.

IN EQUITY.

Fisk et al. vs. Schenfield.—Judgment for plaintiff, and reference ordered to take proof of damages.
Borger vs. Thornton.—Judgment for plaintiff.
Schneiger vs. Harnish.—Judgment for plaintiff for $472 50.

SURROGATE'S COURT.

The Will of the Late John Laurie.

Before Surrogate Hutchings.

John Laurie, formerly an old bachelor merchant of this city, recently died in London, England, leaving the nice little "windfall" of $100,000 to Mr. John G. Kane, a well known resident of New York, and present Secretary of the Department of Docks. Mr. Kane was no relative of the deceased, but Mr. Laurie had long been an intimate friend of his family, and, out of personal regard for Mr. Kane, left him the above sum. Yesterday morning the will was offered for probate. Mr. Kane, attended by his counsel. Mr. Gerard, was in Court and applied for a commission to issue to London to examine the witnesses to the will. Surrogate Hutchings granted the application.

BROOKLYN COURTS.

UNITED STATES COMMISSIONERS' COURT.

Illicit Distilling.

Before Commissioner Jones.

Yesterday afternoon the revenue officers seized an illicit still in Degraw street, near Van Brunt. Subsequently Deputy Marshal De Clue arrested one John Fox on a charge of having worked the still. The accused was taken before Commissioner Jones and held to answer.

A Tobacco Dealer in Trouble.

Owen O'Malley was before the Commissioner yesterday on the charge of having sold tobacco without paying the special tax required by law. He was held to await the action of the Grand Jury.

SUPREME COURT—SPECIAL TERM.

A Pavement Row.

Before Judge Gilbert.

Horace Waters and others made application for an injunction to prevent the collection of the assessments for Nicolson pavement on Pierrepont street. The case came on yesterday, when Mr. William M. Evarts appeared for the property owners, and argued that the Water Board did not comply with the statute in advertising for bids for the work. Mr. Evarts contended that the Board had no right whatever to lay that pavement or any other contrary to the wishes of the owners on the line of the work.

Mr. Van Cott, for the city, contended that the Board had proceeded in accordance with the statutes. Decision reserved.

COURT OF APPEALS CALENDAR.

ALBANY, March 31, 1871.

The following is the Court of Appeals calendar for April 3:—Nos. 175, 148, 132, 151, 171, 28, 53½, 178.

INSURANCE INNOVATION.

Special Meeting of the Board of Underwriters—Three Bills in the Legislature Considered—An Attempt at Albany to Revolutionize the Insurance Business—Resolutions of Quiet Defiance—The Changes the Bills Would Effect.

The New York Board of Fire Underwriters held a special meeting yesterday afternoon at their rooms, 156 Broadway, Henry A. Oakley, president, in the chair, and William W. Henshaw, secretary.

Mr. OAKLEY opened the meeting by explaining why it was he had called the Board together. There were three bills now before the Legislature which were entirely prejudicial to the interests of the insured community, and he felt certain that these bills, if passed, would not prove beneficial in any way. The bills to which he referred were No. 625, introduced by Mr. Bunce; No. 624 by Mr. Alvord; No. 104 by Mr. Burns. The first of these provides that it shall not be lawful for any fire insurance company to make a reduction in the amount to be paid for the loss originally insured, on the ground that the building or property had been insured for an amount exceeding its actual value. The second provides that the amount written in the policy against the amount lost shall in all cases be taken as *prima facie* evidence of the damage sustained. The third provides that all fire and marine insurance companies shall

IMPROVE THE CHIROGRAPHY

on the face of the policy with type and letter not less in size than that usually known as small pica. The first of these bills, No. 625, would, if passed, have simply the effect of necessitating companies not to avail themselves of well settled well defined principles of law, wherein disputed claims between the companies and the insured have been adjudicated and permanently disposed of beyond a question. By this new legislation it is proposed to remove the restrictions of the past and to change the onus of proof, in case of loss, from the insured to the company. Section 2 of this bill providing that the amount written in the policy against the amount lost shall in all cases be taken as *prima facie* evidence of the damage sustained, would simply require each company to have an agent in that town of that State in which property was about to be insured in order to appraise said property; and this, it is needless to say, throwing the onus of proof on the company, as it does, would be preposterous. The second bill referred to, while it assumes to permit that property might be insured beyond its value prevents the company afterward from following up the risk by it assumed, and thus opens the way to endless frauds. The third bill, which would require, in case pica type were not used on the face of the policy, that the company which did not do so should pay, in case of loss, one-third more than the full amount specified, is simply absurd and aims at manifest injustice.

Several members then addressed the meeting, among them being Messrs. John F. Hope, Edmund Driggs, Nathan C. Ely, D. A. Heald, E. B. Fellows, James M. Rankin, J. H. Pinckley and others. All the speakers were unanimous in opposition to the spirit of the bills above referred to.

The following preamble and resolution, presented by Mr. Hope, were then read and adopted:—

Whereas there are now before the Legislature of this State various measures relating to the subject of fire insurance, being Assembly bills Nos. 104, 624, 625, one of which provides for such forms and filling up of policies as will prove in many instances impossible of accomplishment and in all cases embarrassing and expensive, without any equivalent advantage either to the companies or to their policy holders; and another of which provides for such a principle in the adjustment of claims for losses by fire as will lead directly to increase the crime of arson and to foster and promote fraud; and another of which provides for a deposit of securities as preliminary to the right of transacting business in the State by companies chartered by other States of the Union, all of whose property is within reach of the courts of the country; a measure wrong in principle, inefficient for security, tending to diminish the ability of the companies to pay claims with promptitude, absolutely and in all respects useless wherever an efficient insurance department with supervisory power is established, and calculated, in view of the reciprocal laws already existing in many of the states, either to weaken the companies of this State by isolating and pledging their funds for security in special localities, thus rendering them unable to meet an extraordinary claim in any place with promptness, or of driving them out of other States altogether to the detriment of their customers as well as of themselves, and

Whereas the effect of all such laws, although their mere immediate and temporary influence is upon the companies, is in the end to increase inevitably and largely the charges for insuring and thereby to damage the great community of the insured with a proportionate increase of profit to the companies, and

Whereas it is the business of the community, through legislation and otherwise, to make the cost of insuring as great or as small as they choose and as the circumstances permit, and the duty of the companies is discharged when they have stated plainly the consequences of any proposed action respecting the business; therefore

Resolved, That this Board declines to do anything more in the premises than to declare that the measures above referred to are calculated only to embarrass the transaction of the business, to extend fraud and to make insurance more costly to property holders.

The report of the Committee on Laws and Legislation was then presented by Mr. Pinckney and received, after which the Board adjourned.

THE ERIE RAILWAY LITIGATION

An Injunction Granted Restraining the Issue of Convertible Bonds.

The Receivership of the English Stock.

In the United States Circuit Court yesterday, before Judge Blatchford, the case of Heath and Raphael, the English shareholders, against James Fisk, Jr., the Erie Railway Company and others, the defendants filed a stipulation in which, after declaring that they had no intention of issuing any more convertible bonds of the company, they consent to the issuing of an injunction restraining them from issuing any such stock. The terms of the stipulation are substantially embraced in the order made by Judge Blatchford, which we print in full below.

The motion for the injunction was based upon the affidavit of Mr. John Swan, of London, the English agent of Heath and Raphael. In this affidavit Mr. Swan states that he believes that Fisk, Gould and the Erie Railway Company are about to issue more convertible bonds and sell the same at a low price in the market, to the great injury and detriment of the company and the stockholders. Mr. Swan says that he is informed and believes that persons well known as the accustomed brokers of said Gould and Fisk, and whose operations are understood to be in their account, are, and for some time past have been sellers in market of so-called "calls" for future delivery of the railway stock at a very low price, which calls entitle the holder thereof to demand such delivery from the maker or issuer of such calls, and from this circumstance and the past course of said Gould and Fisk and their confederates in respect of issuing stock of the Erie Railway Company, he had good reason for believing, and does believe, that Gould and Fisk and their confederates, unless restrained by injunction, will, within a short time, make further issue of new stock of the Erie Railway, without the assent of the existing stockholders, and not only will there be waste and loss consequent upon the low price at which they must be issued, but there is every reason to believe that the money actually received will be wasted and fraudulently disposed of in the manner in which they have fraudulently disposed of the proceeds of other issues by them of large amounts of the stock of said company, as set forth in the bill of complaint.

Upon the stipulation and affidavit referred to, and also upon the motion of Southmayd, Evarts and Choate, counsel for plaintiffs, Judge Blatchford issued an order for an injunction, which is in the following terms:—

THE ORDER.

Upon reading the bill of complaint in this suit and the verification thereof heretofore filed in the Court, and also upon reading the affidavit of John Swan and the notice of motion for issuing an injunction to the effect hereinafter ordered, together with due notice of the service of said notice and a copy of said affidavit on the defendants' solicitors, and the said defendants now appearing in open court by counsel and filing a stipulation in this suit, whereby, though not admitting any, but, on the contrary, controverting all the allegations contained in the bill of complaint or affidavits herein filed, but, nevertheless, disclaiming any intention of issuing convertible bonds, the said defendants consent that an injunction issue in this cause in accordance with the terms of the complainants notice of motion therefor, and with certain reservations and provisions in respect to a future motion for the continuance of said injunction and the rights of said defendants upon and in respect to said motion for continuance when made.

Now, on motion of Evarts, Southmayd and Choate, solicitors for the plaintiffs, it is ordered that an injunction issue on this cause, restraining the said Gould and Fisk and the Erie Railway Company, and all its officers, directors, managers and agents, from making, issuing, negotiating or delivering any bonds or obligations of the said Erie Railway Company, purporting to confer upon the holder of such bond or obligation any right or privilege of converting the same into stock of said company, or of receiving any such stock in exchange therefor, and likewise from issuing, putting in circulation, delivering, or in any way aiding in giving currency to any stock or certificates purporting to be for stock of the said, the Erie Railway Company, otherwise than upon the surrender and cancellation of genuine certificates of now existing shares of stock of said company, which, upon the 22d day of March, ult., were standing registered upon its books, upon transfer of such stock in the usual manner, without prejudice, however, to any of the rights on the part of said defendants, or either of them, in respect to said injunction, or its continuance redeemed or provided for in said stipulation, so filed herein as aforesaid.

THE INJUNCTION.

The injunction has been issued and a copy of it served upon the defendants.

THE RECEIVERSHIP OF THE ENGLISH STOCK.

The reference before Mr. Kenneth G. White, the master, as to the 60,000 shares of Erie stock claimed to be the property of Heath and Raphael, the English shareholders, and which shares are alleged to be in the custody or under the control of Mr. James H. Coleman, the Receiver appointed by the State Court, had been fixed for an adjourned hearing yesterday morning; but it went over till Monday by agreement of counsel, who had other engagements.

WOMAN'S SUFFRAGE.

The Weekly Crow of the Hens—The Women Still Plucky—Who Is To Blame?

The New York Woman's Suffrage Society held a lively meeting yesterday afternoon, at their rooms, corner of Broadway and Sixteenth street, quite a large number of ladies being in attendance, with Mrs. Lozier, M. D., in the chair. Miss Howard read a paper in which she discussed the responsibilities of women in regard to "the evils that permeate the social life of America," and the effects of the ballot in removing said evils. She said that if woman had lived up to the light that has been given her she could have been to-day upon a higher plane. The old saying that a woman is at the bottom of every mischief has often much truth in it. What do we see in our own homes? Everywhere woman tempting down instead of leading up. "How came you to be a drunkard?" asked a city missionary of a young man. "The first glass I ever took," answered he, "was given to me by my mother at my father's table." It was remarked by the ancients that the mother stamps the character of the child. This is true, and few women realize how much they influence their children before birth. The fine ladyism of our American women stands in the way of their doing their duty to children. Boys cannot respect their mothers; therefore the great evil of America,

DISOBEDIENCE TO PARENTS, IS PREVALENT.

What effect will the ballot have in remedying these evils? All the faults of women result from the narrowness of their vision. If women had more responsibility they would be better helpmeets. Women would not give up everything for power, as men do, in political life; for their moral nature is stronger and purer. Give her room for ambition, room to gain wealth, and she would become the dispenser of blessings. Why does she triumph in youthful charms, in

THE CONQUEST OF HEARTS?

Because here lies her field of action. Enlarge this field and woman's soul will be proportionately enlarged. Women must vote that they may be able to earn money in a free field with men; for money lies at the bottom of all. It will not be very long before this power will be in woman's hands. The centre of social influence is woman, and she must be awakened through the ballot. The ballot will bring with it the necessity of thought and action. Let woman vote and this will give her culture. Begin with culture and you touch the circumference and not the centre. The motto of the suffrage societies should be, "In essentials, unity; in difference, charity." Why should Mrs. Livermore find fault with Mrs. Woodhull, or *vice versa*? Nor need we look too closely to the private life of the advocates of this measure. Do men working in a great cause stop to inquire about the private character of each other?

Mrs. Hallock doubted that

ADAM TEMPTED EVE.

She believed that men tempt women as often as women tempt men. She believed that men and women should help each other, and influence each other for good. The only cure for the present social difficulties is in woman. We can have better children; we can train them better; we can marry better or not marry at all. Men have done all they can, and there is nothing left for them to do but to call in our aid. She thought that women were needed as police assistants in the police stations to inquire into the condition of the women brought there. Many women are taken to these stations who need the sympathy and help of women. Granted that men are not all that they should be, yet they are only half of creation. We want the other half.

Miss Barlow said she had visited a great many prisons, and she thought there ought to be

WOMEN IN THE BOARD OF CHARITIES AND CORRECTIONS.

She believed that men are just as bad as women; no better and no worse.

Mrs. Lozier thought that politics now are a mere struggle for power; he believed that if women should vote they would be more conscientious. A good man can't give a satisfactory account to God who does not do his duty at the elections. She believed that political science should be taught to the schoolboys. She used to read the Declaration of Independence to her pupils; but since she found that it meant men who are "born free" she hadn't read it much.

Mrs. Blake found fault with the daily papers for ignoring the woman question. She said that no non-voter could be appointed as Commissioner of Charities and Corrections, and compared the character and fitness of some of the Commissioners to such women as Mrs. Lozier; some of them being "newspaper hacks," with no suitable qualifications for the place.

Dr. Marvin laid down the proposition that neither men nor women are good; as far as the ballot is useful toward making them good it is desirable.

THE BROWN BUTCHERY.

Official Investigation—The Cherry Street Murder—Wilson Committed to the Tombs to Answer a Charge of Murder.

Coroner Keenan yesterday held an inquest at the Fourth precinct station house on the body of Thomas Brown, the sailor who was stabbed to the heart on Thursday afternoon while at the sailor's boarding house of William Maitland, No. 29 Cherry street, by a knife in the hands of Frank Wilson, also a seaman, as previously described in the HERALD.

William Maitland, who is unfavorably known as the keeper of a seaman's boarding house, deposed that he had known deceased for about ten years; he was a quiet, sober man; knew the prisoner, who was quarrelsome; between two and three o'clock on Thursday afternoon they were sitting outside the door with three or four other men; they were waiting for another man, and expected to sail about three o'clock; left the men there and subsequently learned that

BROWN HAD BEEN KILLED.

John Gilbert, a seaman, who arrived from San Francisco on the 29th ultimo, was in the hallway at 29 Cherry street on Thursday afternoon, and there saw deceased and the prisoner; the latter came out of the sitting room; while they were in the hallway saw deceased butt the prisoner in the head and afterwards saw him strike the prisoner on the jaw with his fist; both of the blows were slight; the prisoner went out without doing anything and sat on a bench at the outside of the door; deceased and the witness remained in the doorway; all remained in that position about fifteen minutes, when the prisoner came from his seat and faced the witness and deceased; the latter stood still and the prisoner, as soon as he reached deceased, made a motion with his hand as if stabbing deceased; saw a weapon then, but when Wilson took his hand away saw

THE KNIFE STICKING IN THE BREAST

of deceased; the witness took hold of the knife and drew it out; it was pretty well in, the blade was more than half its length in; deceased cried out "I'm gone," and walked into the sitting room; the witness then went to the sidewalk and found the prisoner standing ten or fifteen feet from the door; took hold of him and led him up stairs and an officer came and took him in charge; prisoner was intoxicated but thinks the deceased was sober.

William Munroe, a seaman, testified that he heard the deceased tell the prisoner that he was

PUTTING ON TOO MANY AIRS,

and that he would "put a head" on him before he was aboard the ship forty-eight hours; prisoner walked out, followed by deceased; heard some noise, and in about fifteen minutes deceased entered the house and fell on the floor, saying, "I'm gone."

James McCue, an officer of the Fourth precinct, testified to arresting the prisoner, who, on being told that Brown was dead, replied, "I'll swing for it, I guess."

Wooster Beach, M. D., made a post-mortem examination on the body of deceased, and found that the steel passed through the left lung and penetrated the heart. The wound was the cause of death.

This concluded the testimony, and the Coroner gave the case to the jury, who found a verdict against Wilson. Coroner Keenan committed him to the Tombs to await his trial. He is twenty-seven years of age, and has been in France. In his formal examination the accused said, "I don't remember stabbing deceased."

THE REPUTED RAILROAD ROBBERS.

Ante-Mortem Statement of One of the Wounded Men—His Precarious Condition.

The two young men of bad antecedents shot in the vicinity of a freight train at Dobbs' Ferry on Thursday night lie at Bellevue Hospital. Their names are John McCormack and Bryan Kavanagh. The former is a stout built youth of nineteen, with a strong but somewhat pleasing face. He was in prison about a year ago on suspicion of murdering a German in Tenth avenue, but was released without trial. He is wounded in the back, on the left shoulder, and is in a fair way to recover. His wife, a pretty looking, fragile girl, of not more than seventeen, was by his bedside through the greater part of yesterday. He stated to a HERALD reporter that on Thursday

HE HIRED A BOAT,

in company with Bryan Kavanagh, the other wounded man, and two other men, of whom he says, he knew but little. Their intention was to row up to East Haverstraw, on the Hudson river. They were drinking on board, and when they came to Hastings he and Kavanagh left the boat and proceeded on foot toward Dobbs' Ferry, with the intention of resting there for the night. When near the latter place a freight train came up and stopped. They at this time were in the woods, near the track, when they heard a shot fired, after which a voice cried out,

"STAND, OR I'LL BLOW YOUR BRAINS OUT."

They ran, and he heard other shots fired. The second shot struck him and he fell, got up again and ran, and again fell, this time on the railroad track. Officer Scannell ran up to him and clubbed him. He was finally assisted into the cars and brought to New York. He denies being at any time previous to the shooting nearer than ten yards to the freight train.

HE HAD NO PISTOL.

The other man, Kavanagh, was in a very low condition, and was

NOT EXPECTED TO LIVE

out the night. Coroner Keenan accordingly took his ante-mortem statement. He is a young man of twenty-four and of slight build. His wound is very serious, the ball having struck him on the left side of the back, between the fifth and sixth ribs and about five inches from the dorsal column. The ball has passed almost through the trunk and is lodged near the ribs in front. The dangerous state of the patient precluded a more accurate investigation. He was so feeble that he was unable to speak above a whisper, and only

BETWEEN GASPS AND GROANS.

A little brother stood by his bed crying piteously until he was warned to retire while the Coroner took the wounded man's deposition. It was, of course meagre, but corroborated, in all particulars, the statement made by his comrade in trouble.

POLICE INSPECTION.

Review of the Force—The Superintendent and His Men.

The annual inspection of the Metropolitan Police force was commenced yesterday, when the off platoons passed in review before the appointed inspectors. In accordance with a general order issued by the Superintendent the platoons from the different precincts marched to headquarters, headed by their captains. From an early hour Mulberry street for two blocks from the Central office

WAS LINED ON BOTH SIDES

by the men waiting to be examined. Inside the building the officers whose duty it became to pass judgment on the appearance of the men were early at their posts, and every preparation was made for a thorough and searching inspection.

Heretofore the yearly examination of the police took place in an open square, after which they were marched past the Central Office to be reviewed; but Superintendent Kelso very justly thinks that the headquarters of police is

THE PROPER PLACE

for all such examinations, and accordingly issued an order that it should take place there. Every effort is being made by the Superintendent to elevate the discipline of the force under his command to the highest standard; and, while the appearance of the men and their bearing in public is the object of attention for the present, a most thorough system of instruction has been instituted by Superintendent Kelso

TO MAKE THE MORALE

of the force superior to that of any civic guard in the world. Mr. Kelso evidently has the right idea, backed by an ambition which must support him in attaining the object he so laudably seeks after. By beginning with the officers and bringing them up to the desired level it will be a more easy and surer task to elevate the men and give them a just and true conception of their duty and position towards the public. This much needed

TRAINING AND REFORM

will bring about results which every class of people will hail with satisfaction, and will give the public a confidence in the security of their interests which they have not enjoyed for years. Each platoon, as it marched to the place of inspection under the command of the captain, embraced the sergeants, roundsmen, patrolmen and doormen. Exemptions, even from drill was no excuse from the inspection; every man, in fact, from the superintendent down to the youngest patrolman on the force, passed under the searching eye of Captain Copeland, and many were the twistings of countenance as the orders came—new coat, cap and belt, new pants, belt and cord and tassel. They evidently felt a new power was at work.

Precautions were taken that no man was inspected in any uniform not his own, and any case of attempted evasion was made the subject of a special report. Every possible effort is being made to weed out

DISCORDANT AND DISTURBING ELEMENTS

and to instil a humane and intelligent spirit among the police in their contact with the public. An unlucky accident occurred at the opening of the inspection. An officer was taken suddenly ill in the ranks and fell as if he was dead. They carried him into the pressroom and sent in search of a surgeon, but none could be found in the building. Dr. Waite, who should have been on duty, was nowhere near the premises, and only arrived when he had been telegraphed for. Ten thousand dollars a year are paid for medical attendance, and it seems too bad that such attendance should not be there when it is wanted.

SPOUTING SPIRITUALISTS.

Celebration of the Anniversary of the Advent of the Ism.

Addresses by Judge Edmonds, Dr. Hallock and Others.

Yesterday afternoon, at two o'clock, a choice crowd of strong-minded women and weak-minded men assembled at Apollo Hall, Twenty-eighth street and Broadway, to celebrate the twenty-third anniversary in the visible flesh of modern spiritualism. The men all wore long hair and the women all wore short hair; and all were pale and thin enough to encourage a belief in the antagonism of spirit to matter. One very curious feature, however, was to be noticed as distinguishing the feminine part of the audience. In spite of the prejudice reported to exist among

THE AMAZONS OF THE DAY

against curls and well made boots and elegantly fitting gloves, all the ladies present were attired in the height of fashion and certainly evinced an appetite for the vanities of the world, the flesh and the devil.

At two o'clock, the meeting having been called to order, the learned Judge Edmonds was called to the chair and delivered the following address in a sepulchral tone of voice, which elicited frequent applause from the 800 or 1,000 spectators who had gathered together within the frescoed walls of Apollo Hall. He began by tracing the history of Spiritualism through the Zoroasterian ages and continued:—

Occasionally, since that time, the presence of spirits has been made known among us—as, for instance, in Swedenborg, in John Wesley, the founder of the Methodist sect; George Fox, among the Quakers; a few of the canonized in the Catholic Church, &c. But within the last twenty-three years another widespread and general visitation from the spirit world has been made manifest among us. Within that short period its spread abroad over the earth has been unparalleled by anything known in history. It has made its appearance in every land and clime, among all peoples, and in every class and denomination, showing itself in every calling, and affecting by its influence every form of social life. Yet we are assured and fully believe that its march has but begun among men. It is onward still, moving by the operation of its most powerful instrument, that—namely, of the private circle, where two or three are gathered together in His name. Now, it is under such circumstances, and when we are assembled to commemorate an event so pregnant with good or evil to man, that it becomes us to ask, "What are we to do with this, which is so palpably in our very midst that even the blind must see, the deaf must hear and the most incredulous cannot safely deny? What in the emergency is our duty to ourselves, to our fellow men and to our God?"

The physical manifestations which once so powerfully excited our wonder have almost entirely departed from among us. Their office was to establish the reality of a spirit life and the fact of a communion with it. That office with us has been performed. That work is done and henceforth the appeal is not to our senses, but to our intellects and our hearts, to the reason which God has given us and to the spirit of devotion, at once the attribute and the badge of our immortality which He has implanted in us. Our duty is plain and simple. It is to receive, to digest and to comprehend the revelations which are proffered to us, of the existence and the actualities of the future life; to receive and realize the great principles which are to fit us for that life and which can make it a source of happiness or otherwise to us; to learn from the Divine source thus opened to us the true destiny of man, and then to communicate these great truths to our fellow men as freely as they have been given to us, forcing them upon no one, but leaving to all the same absolute freedom of thought which we claim and exercise for ourselves. What, then, is that life? What those principles? What that destiny? Much time and research are necessary to each one for the solution of this problem.

Enough, however, has been revealed to enable us to say this much, that that life is an ascending one on which we enter at once on leaving the earth, and in which it is our destiny to progress forever in knowledge, purity and love, and that the great and leading principle which creates that progression and causes its happiness is to love God with all our hearts and our neighbor better than ourselves.

The condition in the spirit life, when that principle predominates, never faltering and never wanting, has been revealed to us: and prominent amid all its scenes is that sacrifice of self, which even in this life is a most certain element of happiness. Oh, that you could behold that scene! Its brilliant, yet mellow, its dazzling, but grateful light; its atmosphere of love, in which the high and holy spirits float, and the happiness which fills every heart to overflowing with love and gratitude to God.

You would then realize the import of these words, once spoken in such a scene from the spirits to man on the earth. Rise then, Oh, man Lazarus! and come forth, and step from the grave into which ignorance and bigotry have thrust you. Walk forth in the image of a living soul; brightened by the immortal spark which is from the eternal sun. Come from the dark tomb to which you have consigned yourself, and come to the arms of the bright and pure which are outstretched to embrace you.

And, oh! could you but know the thrill of glad joy which you could cast through heaven's vast mansions by your response; could you but hear the shouts of rejoicing that would hail your reply; could you but know the happiness you would confer on the countless multitudes above you, who have mourned your darkness and who would hail your ascent from its gloom, you would not pause in your efforts to share it or repel the Saviour which thus again comes to redeem you. God is love, and to be with Him and of Him love must be the breath of your nostrils, the lifeblood of your heart, the very spirit of your existence.

This lesson we come to teach to weak and erring man, to lift him from the degradation into which his material propensities have sunk him and draw him higher unto God. In that love, in man's capacity to understand and appreciate it, he will find at once his Redeemer and Saviour. Whether it be spoken through mortal lips or through his vast creation it is still full mighty to triumph over sin and death, all powerful to save, all conquering for man.

"This is the lesson which the bright hosts of heaven are pouring in such glorious streams of light on benighted man. The hour has come; the day of his redemption is nigh, and against its advent the powers of darkness can no longer prevail. Heaven, through its mighty mansions, rejoices in songs of praise to Him. Already has its joy visited your hearts and soon shall it spread abroad, infusing into the hearts of mankind the knowledge of His love, that man, aiming at His purity, may bask in its glorious light forever and ever." Thus has the spirit world spoken to us.

And when that work thus commenced among us shall be fully performed; when we come to know, as we shall, what is the life into which we are to pass from this, no greater incentive to virtue and purity can be conceived in the imagination of man. And as in this our daily life on Earth, when we know of coming changes in climate, temperature, or, indeed, in any of our conditions, we are impelled to make due preparation for them, so shall we then, knowing the life to come, only prepare for it, and thus be impelled by the most powerful of motives among mortals to obey that greatest and most inflexible command to work out our own salvation, and realize not only that every broken law is always its own avenger, but that obedience to the law of God is the only passport to happiness.

Judge Edmunds, having concluded his address, proceeded to inflict upon the audience two spiritual communications from James T. Brady and the Judge's deceased wife. That from Mr. Brady was ineffably stupid and displayed very palpably the deterioration in intellect produced by vegetation upon the celestial steppes. Certainly if Mr. Brady had been in the flesh he would never, with a due regard for the literary sensibilities of his readers, have inflicted such a tissue of nonsense as the Judge presented to his audience as his composition. And as to the letter from the Judge's wife, connubial partiality could alone explain his toleration of it.

The Judge, immediately after finishing his oration, vacated the chair and departed.

Dr. HALLOCK then took the chair and told the audience that they would observe that this was a varied and somewhat protracted session, and therefore each speaker should be as brief as possible. Fifteen minutes, he thought, was a fair allowance for each orator. To descend from the sublime to the ridiculous, he—yes, he—was there, and he would like to take fifteen minutes to elucidate his ideas. The object they were there to commemorate was familiar to most of them. Modern spiritualism—its newness—consisted in its scientific aspects at present. What was remarkable was the use of an alphabet which, so far it affected

THE NOTIONS OF SPIRITS,

occurred for the first time twenty-three years ago. Prior to that people had shrunk from spirits, or had looked upon their existence as a superstition. But twenty-three years ago this thing took on a new aspect and challenged the attention of the world. It came in a way in harmony with the genius of the century—it came using an alphabet; it came appealing to the intellect; it came to every man who saw it, and it came as a great emancipation, relieving them from the fear of death; and it came, too, at a time when the reservoirs in which people drew their hope for the future were fast running dry. The further we got from the epoch of Jesus the weaker and weaker grew our faith in the realities of spiritual life, owing to the attacks of physical science. Renan—a very clever young Jew—patronized Christ, and had said that medical science could tell

THE MALADY THAT INSPIRED JESUS

and made the fortune of Mahomet. And when we looked at this—in the face of the waning ages—what was there left for rational beings to believe in? In the face of this was not spiritualism necessary, unless we were to lose all hope. What else was there left to meet the scepticism that was settling down on the land like a pall?

Mrs. Wilbour, Mr. and Mrs. Davis, Dr. Fairfield and Dr. Powell also addressed the meeting.

In the evening the reunion took a saltatory form, and until a late hour the believers in Mrs. Woodhull as the next President of the United States twisted and rotated and whirled in the mazy dance.

A JAILBIRD'S LUCK.

He is Discharged from State Prison, Goes to Long Island and Elopes With Another Man's Wife.

A colored man named Benjamin Steele was recently discharged from State Prison. He had been a thief in the suburbs, and knew something of Long Island's geography. He made his way to Port Washington, and there became the guest of Lewis Townsend. He pretended to be in search of work, and said he had a promise of a situation in a few days. On Thursday night, when Townsend returned from work, he found his wife and their lodger missing. They eloped during the day, took $100 with them, went to Manhasset, and thence to New York by railroad. Townsend is left in possession of seven children.

NOT A CASE OF ARSON.

William Herman, who was arrested on Thursday afternoon on complaint of Christopher Scott, of 805 Third avenue, whose lager beer saloon, it was alleged, he attempted to set fire to, was yesterday discharged by the Fire Marshal, the evidence of his guilt being insufficient. In fact, it was shown that the gas caught fire entirely in an accidental manner.

THE SLEEPY HOLLOW ATROCITY.

Continuation of the Buckhout Murder Trial.

The Prosecution Rest Their Case—Opening of the Defence—How the Prisoner Appeared After the Tragedy—He Suspects the Chastity of His Wife—Testimony in Behalf of the Prisoner's Insanity.

The trial of Isaac V. W. Buckhout, in the Court of Oyer and Terminer, at White Plains, Westchester county, was continued yesterday before Justice Joseph F. Barnard, County Judge Robert Cochran and the Justices of Sessions. As the case proceeds the interest felt by the citizens in its astounding and horrible details appears to augment daily, as is evidenced by the large numbers—including both sexes—which eagerly occupy every available space in the court room.

After presenting a formidable array of testimony against the prisoner on the previous day, the prosecution submitted the affidavit of Dr. James W. Scribner, who was first called in after the murders and who examined the bodies of

BUCKHOUT'S VICTIMS,

Alfred Rendall and Louisa Buckhout, wife of the prisoner. Dr. Scribner was placed on the witness stand yesterday and testified that some of the shot shown him were extracted from the face of Charles Rendall and others were found on the floor; witness did not take any shot from the body of Alfred Rendall.

The prosecution here rested, and Francis Larkin proceeded to open the case for the defence. Having briefly alluded to the evidence adduced for the people, he expressed the utmost confidence that the defence of insanity would be logically demonstrated to the entire satisfaction of the jury.

TESTIMONY FOR THE DEFENCE.

Ira Miller, having been called for the defence, testified:—I have lived at Sleepy Hollow for about twenty years, and have known Buckhout for more than twelve years; he came to my house on January 1, 1870; it was about twelve o'clock; he came along the road in his shirt sleeves and his hat on the back of his head, and said that he had killed Charley Rendall; he appeared wild and excited; I took him into the house and put him on the sofa; when he said he had killed Charley Rendall, I would not believe him, when he added: "it is too true, poor fellow;" he said he had made an arrangement to meet his mother and wished me to drive him there; I took him to Tarrytown and delivered him into the custody of constable Lawrence, who put him in a carriage and drove him to the county jail; saw Buckhout on Tuesday after Christmas; he complained of not feeling well, and said he had

DRANK A GOOD DEAL

and had eaten more than he ought to have done; he was very nervous.

Cross-examination—Did you say to Caleb Horton that when the prisoner came to your house, immediately after the murder, he said, "I have killed them all?"

A. I do not recollect having said so.

Q. Did you state to Asa Dolan that Buckhout said, "Take me to jail; I'm afraid they will lynch me?"

A. I do not think I ever said so.

Here counsel for the prisoner endeavored to read the testimony given by the witness at the Coroner's inquest, for the purpose of showing that there had been no variation in the evidence of the witness, but the Court ruled against it.

Ira Augustus Miller, son of the last witness, testified to having seen the accused, on the day of the murder, running towards his father's house with his head hanging down and his arms swinging; also heard Buckhout say that he had

KILLED CHARLEY RENDALL;

while being taken to Tarrytown the prisoner remained silent, only asking once or twice "how soon we would get there;" he acted in an irrational manner.

Robert Young testified to having been at the house of Ira Miller when Buckhout arrived there on the day of the murder; he spoke to the prisoner and endeavored to attract his attention, but the latter did not appear to know him; Buckhout's eyes were bloodshot and wild, and looked differently from what the witness had ever seen him before; the prisoner asked if he was going to be

TAKEN TO HIS MOTHER,

adding that he had an engagement with her at half-past one o'clock; he had no coat on.

To a Juror—Buckhout's mother had been dead at that time about two years.

Mrs. Esther A. Miller, wife of Ira Miller, corroborated the testimony of the foregoing witnesses as to the wild appearance of the accused when he came to her husband's house on the day of the murder and his confession that he had killed Charles Rendall, and also testified to Buckhout's face and arms being very red at the time; witness asked him why he had killed Charles Rendall, and he replied, "They had troubled him so;" her brother-in-law left the house unnoticed, and having proceeded to the residence of the accused, returned, saying Buckhout had not only killed one, but three; the prisoner looked wild and his eyes were glaring; witness had never seen him appear so strangely before.

Cross-examined by Mr. Clinton—Did not see Buckhout running towards the house; should think that running a great deal would make a person's face red; never saw any other person immediately after they had

KILLED A HUMAN BEING;

do not think I was excited after hearing what Buckhout had done; perhaps I may have been excited to some extent.

Q. Did you not state at the trial last year that you were not in the least degree excited?

A. I do not recollect.

Q. And did you not say that you were "as cool on that occasion as you are now?"

A. I cannot recollect having said so.

Willett C. Brown, having been sworn, testified—I was living about half way between Pleasantville and Sing Sing in 1869; was living on a farm; my family was composed of myself, wife and mother; in addition to farming we carried on the business of carpet weaving; on April 17, 1869, Buckhout came to my house in the evening and asked me if he could stay awhile, as

HE HAD NO HOME;

I asked him what was the matter, and he said he had left the Hollow as things were not going on to suit him; having known him from boyhood I consented to his staying at my house; next morning he went into the lot and sat down on a stone for several hours; he wished me to give him some employment that would steady his mind. The witness then went on to state that Buckhout's conduct was very strange, as evinced in various ways during the four weeks he remained at the house of the witness, which he ultimately left in the night time, without notifying any one of his intention. On one occasion Buckhout asked the witness to shave him, saying he was afraid he might

CUT HIS THROAT

if he undertook to shave himself; Buckhout also told the witness that his (Buckhout's) wife had been intimate with other men, and at the same time mentioned the name of a party who had boarded with him; the witness having signified his disbelief in this assertion Buckhout replied that he had heard his wife and the man in a room, and when the witness asked him why he did not go in he said he supposed the door was locked and that "he did not wish to disturb them, as he intended to leave the house altogether."

A severe cross-examination by District Attorney Dykman revealed several discrepancies in the testimony of the last witness as compared with that given by him on the first trial, which would tend to weaken the force of his evidence.

At four o'clock the court adjourned until Monday morning.

SHANNON VS. SMITH.

A Verdant Stamfordian—How Country Ladies Lose Their Money in New York—Hunger's Cravings Not Satisfied—That Romantic Pocketbook.

Mrs. Nancy Smith, a fashionably attired lady, residing at Stamford, Conn., created quite a stir at the Tombs Police Court yesterday afternoon. Mrs. Smith arrived in New York early in the morning, with a friend, for the purpose of making spring purchases, and came, therefore, having her pocketbook well loaded. After completing her bargains she thought she would like to take a dinner at that old rendezvous Fulton Market, and accordingly she determined to indulge in oysters. But an incident occurred to prevent this pleasure. As Mrs. Smith was standing, purse in hand, near the Fulton ferry, a young man named James Shannon dashed up to her

SEIZED THE POCKETBOOK,

containing about twenty-two dollars, or whatever remained after the "shopping" had been done, and ran off. In turning into South street the thief passed the pocketbook away to a "pal," and as a matter of course when he was taken it was *non est*. No sooner had the thief started to run than Mrs. Smith and her friend commenced running also; they kept so close to him that they were up with him almost as soon as an officer of the Twenty-fourth precinct who had heard the alarm and secured the man.

"I don't believe it's possible he could have passed the money away," said the loser, "for I was so close to him all the time; it really is quite incredible. I must have seen it. But there, there's no knowing how many thieves he had with him. New York must be a terrible place. He came up and took it out of my hand without a word. I never saw the like." But this particular pocketbook had twice before been lost, and each time restored again. Once it was taken from Mrs. Smith on a railroad car, but, owing to the vigilance of the conductor, the thief gave it back. At another time it was dropped on the sidewalk in a street in Stamford, but some one took compassion on it and gave it to its owner.

Shannon is held in default of $1,000 bail, while his victim is detained in the city to prosecute him in the Special Session.