# THE TRIAL OF ROSENZWEIG.

## ITS COMMENCEMENT YESTERDAY.

### The Sister and Mother of the Murdered Girl in Court.

### THEY ARE EXAMINED AS WITNESSES.

### Production of the Horrible Trunk.

### TESTIMONY OF THE SERVANT GIRL.

### A WOMAN IN WHITE.

### The Prisoner Identified as the Person Who Helped the Carman to Put the Trunk on the Cart.

The trial of Jacob Rosenzweig, for causing the death of Alice Augusta Bowlsby, of Paterson, N. J., by means of an abortion, was commenced yesterday morning in the Court of General Sessions, before Recorder Hackett. It will be remembered that the entire of the previous day was occupied in empanelling a jury, and after the required twelve were secured the proceedings were adjourned until yesterday morning at ten o'clock. As on former occasions a large crowd of would-be sightseers congregated outside the court room, but were not permitted to witness what was taking place within. Mr. William F. Howe, the prisoner's counsel, who was indisposed yesterday and could not appear, was early on hand, looking all the better for his brief attack of illness. His junior associate sat beside him, while at the left hand side of both the principal in the trial

ROSENZWEIG,

surnamed the man with the colossal cranium, occupied a seat. District Attorney Garvin was in attendance, and sat composedly interweaving his fingers, while his able assistant, Algernon S. Sullivan, was leaning back on a chair reflecting the light of his brilliant orbs on the frontispiece of his associate, Garvin.

Recorder Hackett surveyed the entire scene from the elevation of the bench, and listened attentively as the District Attorney prepared to deliver his opening address to the jury, who were in their places shortly after the court room was opened. The horrible trunk, in which was packed for transportation the remains of the unfortunate Miss Bowlsby, was brought into court, and kept to be put in as evidence against the accused. It is an ordinary sized trunk, and apparently almost new. It was tied round with a rope, the same as when its contents were inspected at the depot of the Hudson River Railroad. Of course it was the object of curiosity and scrutiny.

At a quarter-past ten ex-Judge Garvin arose and proceeded to address the twelve men sitting in judgment on the wretched prisoner. He briefly recapitulated the enormity of the crime charged, and stated to the jury what he expected to prove on the part of the people. They, the prosecution, would prove that the deceased left her aunt's house in Newark on the 23d day of August, 1871, and that she entered the dark, fearful den of the accused. They would also prove that she was never seen alive after entering this den. Her body was afterwards sent from the house in the trunk, then lying under the stenographer's desk, but none of her clothing was found upon it. They would be able to show by the medical testimony from what cause Miss Bowlsby died. After he concluded

TESTIMONY OF MRS. BOWLSBY.

Mrs. Bowlsby, the mother of the unfortunate Alice, was called as the first witness for the people. She was attired in deep mourning. She stated that her name was Caroline Bowlsby; she was the mother of the deceased, Alice Augusta Bowlsby; the last time she saw her daughter alive was on the 23d of August last; she resided in Paterson, N. J.; she last saw her daughter at the house of a Mrs. Williams, in Newark; her daughter went to Mrs. Williams' house to attend that lady's husband, who was unwell; the deceased left Newark on the 23d of August to come to New York; this was the last time she saw her child alive.

Here the witness briefly described the apparel of her daughter on the day she left Newark to come to this city. After which she continued:—She, the deceased, also had a handkerchief with her marked "A. Bowlsby," and a small basket containing some little trinkets; I never heard anything from or of my child after she left Newark until the body was recognized by Dr. Kenny at the Morgue; the deceased had a mole on the left side of her neck and a vaccination on her left arm just above the elbow; on the left side of her jaw there was a scar caused from an ulcerated tooth which had broken off; there was also an eye tooth missing on the right side of her mouth.

Here the attire of the murdered girl was still more particularly described, but which, being unimportant to the reader, we omit. At the conclusion of this testimony the counsel for Rosenzweig proceeded to cross-examine.

The WITNESS—I did not see the hankerchief my daughter took away with her on the 23d of August: I know all her handkerchiefs from the mark of "A. Bowlsby;" she wore a false bosom, or pads, at the time of leaving Newark; the bosom was the same as very many ladies wear; Alice was the eldest of my children; her age was twenty-five; I did not feel able to go to the Morgue to identify the body of my child and I thought there was evidence sufficient without my going.

In reply to the District Attorney—There was a young gentleman who used to keep company with my daughter; his name was Mr. Walter Conklin; he died on a Thursday; I don't remember the date; he committed suicide by shooting himself; he used to frequently visit the house; I do not know whether they were engaged or not.

MISS CARRIE BOWLSBY,

the sister of the deceased, was next placed upon the stand—I am the sister of the deceased, Alice; she was somewhat more slender than myself, but taller; my height is five feet six inches; I last saw my sister on the 22d of August, the day before she left. The witness identified the stencil plate that was shown her as the one belonging to and used by her sister in marking her handkerchiefs. She generally corroborated the testimony given by her mother. She recognized the pads shown as the ones made by her sister out of material belonging to a dress.

JANE JOHNSON, THE SERVANT GIRL OF THE PRISONER,

was placed next on the stand—Have lived with Dr. Rosenzweig; the house was, I think, No. 687 Second avenue; I was doing housework in the doctor's house; I left his service on the 29th of August; about the time of the trunk trouble the parties living in the house were the prisoner and his wife, her four children and myself; there was a young girl also; she was not living there, but she used to be there a great deal; her name was Nettie; I don't know her last name; there was a young man also who boarded there; his name was Abraham Stigler; the deceased came there with the prisoner on the 23d inst.; she was attired as the previous witness described; she came after dinner; I saw her going up stairs; the doctor, I think, went up with her; he first went through the basement and opened the hall door and let the deceased in; I saw her going up the second flight of stairs; I never saw her after; on Friday morning I was sent by Mrs. Rosenzweig to her mother-in-law, in Bayard street, to get some meat cooked for Saturday; I was away until eleven o'clock in the morning; I know that the woman called Nettie knew that the woman in white, the deceased, was in the house.

The trunk was here shown. The witness said she either saw that trunk or one like it in the kitchen previous to the visit of the deceased. Several blankets, quilts and pieces of muslin were shown, but the witness only identified one article as having been seen in the house; subsequently she recognized a piece of muslin. I heard that the lady in white was a patient of the doctor's; I heard it from Rosie, the prisoner's daughter; the trunk that looked like the one shown in Court belonged to the woman Nettie, who so often visited the house.

On being cross-examined she said that she did not hear any unusual noise or stir about the house on the days or nights prior to the 23d of August; I knew that Mrs. Rosenzweig was confined; there was some little excitement in the house at that period.

WILLIAM PICKETT,

of No. 471 First avenue, the carman who was hired to carry the trunk to the Hudson River depot, testified that on Saturday, the 26th of August, he took a trunk from the house of the prisoner: a young woman came to his stand and wanted him to take a trunk from Thirty-seventh street and Second avenue to the Hudson River depot; he offered to charge a dollar, and after some disputing about the charge they struck a bargain; he took the trunk from 687 Second avenue; this same woman, accompanied by a boy, whose name he afterwards heard was Potts, met him at the depot when he arrived there with the trunk; a man opened the door and I told him that I called for a trunk to take to Twenty-ninth street; the man then took hold of one end and helped to lift the trunk on the cart; that is the trunk (pointing to the one in court), and that man (pointing to the prisoner, Rosenzweig), is the man that helped me to carry the trunk; he is the man; he never spoke a word; when we arrived at the depot the boy assisted me to set the trunk on the counter to get it checked; afterwards the woman helped also; she looked at the lock on the trunk and said she was afraid it would not hold; a strap was then put round it, for which the woman paid a dollar; I then went away. The witness recognized a boy shown him in Court as the one who helped him with the trunk at the depot. In continuation—I heard of the case the next day, Sunday, and also heard that Mr. Brennan, of Bellevue Hospital, was inquiring for the cartman who took the trunk; I immediately went to see Mr. Brennan and told him all about it, and pointed out the house to him.

Q. Now, you didn't know there was a dead body in that trunk? A. If I did I wouldn't have taken it. (Laughter.)

The witness was cross examined at considerable length, but it failed to shake his evidence.

ALEXANDER POTTS,

the boy who assisted in carrying the trunk into the depot, was placed on the stand. He testified as follows:—I live at 429 Eighth avenue; I have four brothers and four sisters; I carry baggage for a living, and remember being on Thirtieth street on Saturday, the 26th of August; I met a woman on that day; she came in a cab; I recognize the carman; the woman asked me if I knew anything about the trains; she came ten minutes before the man with the truck; she bought a ticket for Chicago at half-past four; I would know the trunk I helped to carry to the depot if I saw it.

Q. Is that the trunk? (the trunk in Court was here shown the witness). A. Yes, sir; that is the trunk I saw; the baggage man checked the trunk for Chicago, and gave her a ticket for the same place; I afterwards saw the trunk opened, and saw a naked dead body; the body was squeezed in the trunk; the body was lying on its side and doubled up; the trunk with the body was taken from the depot at eleven o'clock at night; I don't know whether it was Officer Murphy or not who took the trunk.

PETER MURPHY,

a police officer, sworn:—The baggage master called my attention to a trunk lying outside on the platform; we opened the trunk and found the body of a woman wrapped in some blankets and other things; I reported at the station house and then delivered the body at Bellevue Hospital.

DAVID O'BRIEN,

assistant keeper of the Morgue, recollected seeing the body in the trunk; the trunk now here is the one I received; the body and trunk were locked in a room; the body was placed in a coffin; the body was pretty badly decomposed, but any person who had seen it when alive could recognize it from the features; the lower extremities were in better condition than the face.

ROBERT VANDERVORT

sworn:—He is the baggage master at the Hudson River Railroad; the contents of the trunk smelled so that I had the trunk opened, when I first saw a foot, and afterwards found the body. He corroborated the previous testimony as regarded the destination of the trunk being Chicago.

THOMAS S. BRENNAN,

warden in Bellevue Hospital, identified the trunk as the one that was brought to the dead house; Drs. Henry and Parker examined the body twice; they had a photograph of the deceased.

DR. THEODORE KINNE,

of Paterson, sworn:—I examined the body at the Morgue; identified it as the deceased by the scar on the right side of the cheek, the mole on the left of the neck, and by the vaccination mark on the arm; I saw all these marks on the person of deceased when she was alive.

DR. JOSEPH F. PARKER

was the next witness. He said he was a dentist at Paterson, knew Miss Bowlsby, and accompanied Dr. Kinne to the Morgue when they identified the body as being that of Miss Bowlsby; he saw the mark of vaccination, the mole and the cicatrix formed by an ulcerated tooth on the right side of the lower jaw; he found the eye-tooth gone, broken off, which he had seen about two months before in the mouth of Miss Bowlsby, whose dentist the witness had been for five years; about two years since he filled the tooth, and believed it to be his filling.

JAMES F. BOYD,

an undertaker, doing business at 336 East Thirty-fifth street, testified that on the Saturday morning before the body was found at the depot, the prisoner Rosenzweig came to him and said that a servant girl of his had died and asked how much it would cost to bury her; witness asked him where she was, and the prisoner replied, "Not far away from here," but he did not state where; he said she was very poor, and had about $10; he asked the witness what it would cost to bury her in the very cheapest manner; witness asked him where he wished to have her interred, and the prisoner said he did not care; that the cheapest place would do him; witness said that Evergreen Cemetery was about the cheapest; the prisoner asked him if he could take the body of this girl to his store, and he told him that he could not; that he (the prisoner) would first have to get a certificate from the doctor; the prisoner said the doctor lived away down town; he went out and said he would call again; about two hours afterwards the witness was returning from his stable and saw the prisoner standing on the sidewalk, opposite his (Rosenzweig's) house, in Second avenue, talking to a gentleman; the prisoner never returned to the store.

OFFICER LARUE

testified that he went with Pickett, the carman, to Rosenzweig's house in search of the girl who had charge of the trunk at the depot, but could not find her; on Wednesday, the 30th of August, the officer searched for clothing, and found a stationary washtub in the back basement of the prisoner's house, a handkerchief marked A. A. Bowlsby, with a lot of children's clothing and ladies' wearing apparel; Sergeant Randall found a blue sash in a bureau drawer up stairs, and also some jewelry—two ladies' watches, chains, breastpins and rings—which were returned to Mrs. Rosenzweig.

OFFICER RANDALL

testified that he found a blue sash, and also the false bosom, which he marked at the time; the bosom he found in a barrel of old clothing in the kitchen; part of a bloody chemise and a skirt were found in the cellar, covered over with dirt.

PIERRE C. RICHARDS,

a house agent, was sworn to establish the fact that Rosenzweig had lived in the house 687 Second avenue since the 1st of May.

DR. JOSEPH CUSHMAN

testified that he made a post-mortem examination of the body of Alice Augusta Bowlsby, at the Morgue, on Sunday, the 27th of August; Mr. Baldwin, a reporter for the HERALD, was the only person present; David O'Brien showed him a blanket, a quilt and a trunk; the trunk now shown seems to be the one; the inside measurement of it was 31 inches long, 17 inches wide and 14 inches deep; the body was 5 feet 3 inches long, and well developed; the hair was blonde and the eyes blue; there were no external marks of violence; the face, neck and shoulders were somewhat decomposed, but the lower limbs were in a fair state of preservation; the inner coating of the abdominal cavity showed evidences of inflammation; the womb was enlarged, measuring six inches long and four inches in depth; the Doctor found the mouth of the womb open, and on the posterior wall a surface of one and a half inch was roughened, having the appearance of placental attachment; he then examined the neck of the womb, and found extending from the external and internal orifice a laceration of the mucus membrane, or inner lining of the womb, and several large bloodvessels had been torn across in this laceration; he found evidences of inflammation within the womb, and also some fibres separated from the surface of the neck of the womb, as if the laceration had almost gone through; the left ovary contained a well-marked *corpus luteum*, or yellow body, which he considered the *corpus luteum* of pregnancy, in contradistinction from that of menstruation; the womb had all the appearance of having recently discharged a fœtus; the other organs appeared to be healthy. In the Doctor's opinion death resulted from metro-peritonitis, caused by an abortion.

The cross-examination of this witness had not finished when the hour named by the Recorder for adjournment had arrived. The Court then adjourned till this (Friday) morning, at ten o'clock. The trial will be finished to-day.

## PETTY LIBELS AND IMPRISONMENT FOR DEBT.

### Inmates of Ludlow Street Jail—Orders of Arrest.

Judge Barnard, who, a few days since, announced from the Bench his intention to thin out the inmates of Ludlow Street Jail and put an end to imprisonments for debt and petty libels, has entered upon the work with an earnestness of will that shows he means to do what he said he would. Meantime, while already having arranged to have the prisoners now confined in Ludlow Street Jail brought before him at an early day on writs of habeas corpus, he has taken time by the forelock and initiatory steps to prevent the same freedom and multiplicity of arrests in the future as heretofore. Yesterday morning, in the Supreme Court, Chambers, he issued the following order on the subject:—

At a special term of the Supreme Court, held in and for the city and county of New York, at the City Hall, on the 26th day of October, A. D. 1871, present George G. Barnard, Justice—

*First*—Ordered, that hereafter no order of arrest in a civil action will be granted by Judge Barnard against defendants for obtaining money, goods or other property by or through alleged false pretenses unless the same shall have been made in writing and subscribed by the person or persons sought to be proceeded against.

*Second*—Ordered, that hereafter no order of arrest will be granted against any person for a libel, assault and battery, slander or false imprisonment other than upon or against the person or character of a female.

*Third*—No order of arrest will be granted in any action unless the party or parties are non-residents and about removing from the jurisdiction of the Court, nor for any amount where the sum sought to be recovered is less than one thousand dollars.

GEORGE G. BARNARD.

## PROBABLE HOMICIDE IN NEWARK.

There is now lying in a critical condition at St. Michael's Hospital, in Newark, an unknown vagrant, who is said to be the victim of a William street boarding house brute. He was found about eleven o'clock on Tuesday night. The man was unconscious and was bleeding profusely from a deep cut in his head. He was taken to the station house, where his wounds were dressed and the injured man made comfortable for the night. In the morning he grew much worse and was taken to St. Michael's Hospital. No arrests have yet been made.

# THE COURTS.

### Proceedings in Admiralty—Informers' Moieties—Alleged False Imprisonment—The Erie Litigation.

## UNITED STATES SUPREME COURT.

### The City of Richmond Attempting to Evade Payment of Its Obligations—Legal Effects of the Amnesty Proclamation.

WASHINGTON, D. C., Oct. 26, 1871.

No. 169. *Evans vs. City of Richmond*—Error to the Circuit Court for the District of Virginia.—This is an action brought against the corporation of Richmond to recover certain notes of a denomination less than $5 issued by its authority during the year 1861. The determination of the cause depends upon the question whether the City Council under the charter of the corporation had power to issue the notes. The defence is that the notes are void, because they were issued in violation of the provisions of the city charter, which nowhere grants such powers; because it is in violation of the general laws of the State against issuing any "note or other account" by any person "with intent to create a circulating medium;" because in violation of the laws of the United States, in that they were issued in aid of the rebellion; because in violation of the constitution of the State, which provides that no appropriation shall ever be made for the payment of any debt or obligation created in the name of the State of Virginia by the usurped and pretended State authorities assembled at Richmond during the war; and that no county, city or corporation shall levy or collect any tax for the payment of any debt created for the purpose of aiding any rebellion against the State or against the United States. In respect to subsequent action by the State Legislature, which was intended to render the notes valid, it is contended that no Legislature can, by a subsequent statute, render a contract made by a corporation valid which at the time it was entered into the corporation had no power to make. It is also insisted that the Legislature which passed the act was not the rightful Legislature of the State, and, therefore, had no authority to pass the act relied on to sustain the validity of the notes. The Court below sustained the points made by the defence, and the judgment was for the city. It is here contended that the city, being a corporation by its charter, which may contract or be contracted with, and, generally, having "all rights and franchises, capacities and powers appertaining to municipal corporations, it is liable on the notes for which it has actually received value. Even if it could avail in defence to show for what purpose the money received was used, yet the purpose or object does not appear as a fact found; but the demand is not affected by the use which the corporation made of the money received on the notes. Nor was it known to the plaintiffs (claimants) what use would be made of the money when it was advanced. The ordinances of the city did not reveal the fact, even if they had been looked to.

No. 170. *Avery vs. United States*—Error to the Circuit Court for the Western District of Tennessee.—This is a writ of error from a refusal of the Court below to enter a satisfaction of a judgment recovered by the United States against Avery, as surety on a postmaster's official bond, and to grant a writ of *audita quesela*, prayed for on the ground that the United States, by their officers, received for rents of lands, &c. (seized under the captured and abandoned property act), belonging to him $7,000, which Avery was entitled to have from the government as so much money by it due and received for his use, and that, by the retention of the money, the judgment against him as surety was, in fact, paid and satisfied. It is here claimed that the unconditional pardon and amnesty proclaimed by the government gave away the right to the money realized for the rent of his property. As soon as he was thus pardoned the moneys became his; by the pardon, the United States alone having claim to them, they were restored to him. The United States refusing, nevertheless, to pay them over to him, and placing the moneys in the Treasury, satisfaction of the judgment was effected by operation of law. It was paid. The government sustains the rulings of the Court below, and submits that if a judgment recovered by the government is satisfied and the Court improperly refuses to enter satisfaction the proper remedy would seem to be by writ of mandamus.

## UNITED STATES DISTRICT COURT—IN ADMIRALTY.

Before Judge Blatchford.

*Dunham vs. 1,265 Vitrified Pipes.*—In this case, which was reported in the HERALD of yesterday, the testimony has been all taken, and the arguments have been submitted to the Judge on written points. Decision reserved.

## UNITED STATES CIRCUIT COURT.

### Appeals in Bankruptcy.

Before Judge Woodruff.

Judge Woodruff has ordered that in appeals in bankruptcy he would not decide upon a single point until all the points in the case had been passed upon by the Court below. It is intended by this decision to prevent a multiplicity of appeals in one case.

## UNITED STATES COMMISSIONERS' COURT.

### Informer's Moiety.

Before Commissioner Betts.

Yesterday Commissioner Betts entertained the claim of Louisa F. Shaw, who alleges that she is the informer in the case of a seizure by the Custom House officers of about $4,000 worth of human hair imported into this country, and therefore entitled to a moiety. Evidence is being taken in the matter.

### The Erie Railway Litigation.

It is understood that the taking of testimony and proofs in this now celebrated litigation will be resumed in the course of next week by Kenneth G. White, Clerk of the United States Circuit Court.

## SUPREME COURT—CHAMBERS.

### Those Erie Railway Shares Again.

Before Judge Barnard.

*In the Matter of the Coleman Receivership.*—Application was made by Mr. Beach to have the fees of Mr. Coleman, appointed as receiver of the English shares of Erie Railway stock, ascertained and adjusted. The matter went over till it could be ascertained what fees were allowed in the United States Circuit Court while Mr. Coleman was acting as receiver during the pendency of the litigation regarding these shares in that Court.

## MARINE COURT—PART 1.

### Alleged False Imprisonment.

Before Judge Joachimsen.

*Pratt vs. Grafton.*—The plaintiff in this action is a hackman, whose stand is in Broad street in this city. The defendant, a policeman of the First precinct, arrested the plaintiff on June 16 for violation of a city ordinance and took him to the First precinct station house, and there kept him all night. On the morning of the 17th he was taken to the Tombs and upon examination was discharged by the presiding Justice.

This action is brought by the plaintiff to recover for false imprisonment under the above circumstances. Defendant not appearing the Court gave judgment for plaintiff for $150 and costs, and $25 allowance.

## MARINE COURT—PART 2.

### Action for a Bill of Goods.

Before Judge Curtis.

*Waldstein vs. Hoffman.*—This action is brought to recover a bill of goods consisting of a "travelling clock," valued at $90, and two glass pictures, valued at $110, which were sold by the plaintiff, at his store, 545 Broadway, to the defendant.

The defendant claims that the clock was represented to him to be pure gold, whereas it turned out to be only an ordinary article which could be bought for about half the price, and that the pictures were represented to him to be "antiques," taken from a church in Hungary, and, on inquiry, he ascertained that they were not as represented, but were made in Germany, within a few years, and were, in consequence, of but ordinary value. Decision reserved.

## COURT CALENDARS—THIS DAY.

UNITED STATES DISTRICT COURT—ADMIRALTY CASES—Held by Judge Blatchford.—No. 196, Chase vs. Bark Alice Taintor; No. 140, Luce vs. Steamer City of Baltimore; No. 201, Corsen vs. Steamboat Wyoming; No. 199, Sherman vs. Mott; No. 67, Benary vs. Ship Prince Albert; No. 221, Boston, Newport and New York Steamboat Company vs. Propeller Oceanus; No. 226, Rupp vs. Edge; No. 152, Evans vs. Wilkesbarre Barge 129; No. 190, Brown vs. The Brig Annie Lindsley.

SUPREME COURT—SPECIAL TERM—Held by Judge Cardozo.—Nos. 160, 235, 236.

SUPREME COURT—CHAMBERS—Held by Judge Ingraham.—Nos. 84, 103, 173, 194, 196, 197, 198.

SUPREME COURT—CIRCUIT—Part 2—Held by Judge Brady.—Nos. 1213, 2188, 2280, 2234, 2478½, 2322, 768, 1302, 1634, 2149, 2214, 2366, 2434, 2503½, 2506, 2505, 2510¾, 2540 (R. C.), 180½.

SUPERIOR COURT—TRIAL TERM—Part 1—Held by Judge Barbour.—Short Causes—Nos. 1465, 1331, 1412, 1591, 1593, 867, 1568, 1545, 1238.

COURT OF COMMON PLEAS—TRIAL TERM—Part 1—Held by Judge Loew.—Nos. 772, 883, 944, 923, 1008, 932, 151, 995, 510, 993, 1028, 1020, 436, 1027.

MARINE COURT—TRIAL TERM—Part 1—Held by Judge Joachimsen.—Nos. 6983, 7025, 7023, 7024, 7027, 7120, 7121, 7122, 7124, 7125, 7103¼, 7126, 7138, 7141, 7142, 7143. Part 2—Held by Judge Curtis.—Nos. 6342, 7108, 7109, 7110, 7111, 7113, 7114, 7116, 7112½, 7117, 7169, 7175, 7179, 7178, 7180, 7181, 7182, 7183. Part 3—Held by Judge Alker.—Nos. 7639, 7751, 7737, 7123, 7752, 7753, 7754, 7144, 7145, 7158, 7160, 7161, 7162, 7163, 7167.

## BROOKLYN COURTS.

## UNITED STATES COMMISSIONER'S COURT.

### Cigar Manufacturers in Court.

Before Commissioner Winslow.

Albert Hoffman, of 410 South Fourth street, E. D., was before the Commissioner yesterday morning, on the charge of manufacturing cigars without paying the special tax required by law. The Commissioner held him to bail in the sum of $500 to await an examination.

John Reinhardt, of 412 South Fourth street, was also held to bail on a similar charge.

William McNamara, a liquor dealer at the corner of John and Pearl streets, was held on the charge of doing business without a license.

## SUPREME COURT—CIRCUIT.

### The Suit for the Possession of Land.

Before Judge Pratt.

*Blydenburgh and Others vs. Nesmith.*—The plaintiffs in this case, which was reported in the HERALD of yesterday, brought suit for the possession of a tract of land on Dock street. The jury yesterday rendered a verdict in favor of defendant.

### A Collision on Fulton Avenue.

*Theodore L. Hastings vs. William Kidd.*—The plaintiff says that he was riding along Fulton avenue on the 5th of October, 1870, when the defendant, who was in a heavy wagon, approached from the opposite direction, and the vehicles collided with each other. Plaintiff says that the collision was caused by the defendant's carelessness. Hastings' wagon was broken, and he received injuries which prevented him from attending to business for a week. He therefore brings this action to recover damages in the sum of $2,000.

The accident and its results are admitted by the defendant, who claims, however, that the collision occurred through plaintiff's own negligence. Case on.

## CITY COURT.

### A Divorce Case.

Before Judge Neilson.

*Wilmetta S. Archer vs. Harry E. Archer.*—The plaintiff brought suit for an absolute divorce on the ground of adultery, alleging that the defendant had been on terms of improper intimacy with a woman in New York. The defendant denied the allegation. A witness on behalf of plaintiff swore that he accompanied defendant to a certain house in New York, where they remained all night. Two witnesses for defendant testified that they were present at the house, and that Archer's conduct while there was not improper. Decision reserved.

# THE PARSEE LUNACY CASE.

### Bomanjee Byramjee Colah—Opinion of Judge Daly—The Parsee To Be Sent Back to Bombay.

This exceedingly interesting case, the particulars of which have, from time to time, appeared in the columns of the HERALD, has at length culminated in an exhaustive and able opinion by Judge Daly, of the Court of Common Pleas.

The Judge, in stating his opinion, refers at great length and with much particularity to the facts of the case. He says:—

This is a renewal of an application previously made to me for the transfer of Bomanjee Byramjee Colah, a lunatic, now in the care and custody of this Court, to Bombay, in India, and as the question of the power of the Court to grant the application, and if it have the power, the further question, whether this is a case in which it ought to be exercised, are of a very novel character, it will be necessary, first to consider the circumstances under which the application arises. Colah is a native of Bombay, of the age of twenty-six years, and a Parsee, a well-known race in India, of peculiar religious tenets, habits and customs. He is a married man, with a wife and two children, natives of Bombay, who are now living there. In the year 1870 he left Bombay, taking with him his personal property, in money and securities to the value of more than $100,000, being all the property he possessed, and went to Calcutta, whence he proceeded to Europe, and in May, 1870, came to this city. Upon his arrival here he put up at the Fifth Avenue Hotel, and shortly afterwards circulated a business card describing himself as an "Indiaman, a Parsee," and "New York Merchant," and giving as his address room 45 Fifth Avenue Hotel. From this hotel he removed in a short time to the Hoffman House, in this city, and it being apparent very soon after that he was insane, he was taken charge of by the police authorities and placed in the Hospital at Bellevue. As he was a total stranger, there being no one here who knew anything about him, and as he was supposed, from his description of himself as "Parsee Merchant" and an "Indiaman," to be a British subject, Her Britannic Majesty's Vice Consul in this city, Mr. J. Pierrepont Edwards, applied to this Court for a commission of lunacy and for the appointment of a committee to take charge of his person and of his estate.

A writ *de lunatico inquirendo* having been granted, and it appearing upon inquisition that he was a lunatic and had personal property in this city, proved upon the inquest to be about $40,000, the care of his person was committed to Mr. Connor [illegible] and of his estate to Mr. Nathaniel Jarvis, Jr. Upon the appointment of a committee of his person, Colah was transferred from the Bellevue Hospital to a private lunatic asylum at Fishkill, and it subsequently appearing that Major A. G. Constable had, from motives of humanity, taken a very active interest in his case, that the gentleman had been for some years a resident of Bombay, was familiar with the religious views, usages and peculiarities of the Parsees, and could communicate with Colah in Mahretta, the only tongue in which he can or will converse since his insanity, it was deemed judicious by the Court to transfer the future custody and care of him to Major Constable, by whom he was afterwards removed to the Insane Asylum at Flushing, where he is now under medical care and treatment.

It appeared upon the inquisition, as I have stated, that he had property amounting to $40,000, but after Mr. Jarvis was appointed the committee of the estate he found among his effects, in addition to the property already known to belong to him, a bill of lading for a large shipment of gold to this country, and with great difficulty and after many and diligent efforts Mr. Jarvis traced this property into the possession of one of the proprietors of the Hoffman House. The boxes containing the gold having in the meanwhile been opened, the gold sold, and the proceeds, amounting to $64,000 in currency, deposited in a trust company in this city, to the credit of the person by whom it was withheld, and who, by a resort to legal proceedings, was subsequently compelled to give it up. This sum and $1,000 in gold in addition thereto, together with the property found upon the inquisition, amounting in all to $105,000, has been securely invested by Mr. Jarvis, under the direction of the Court, in bonds and mortgages upon real estate and other securities bearing an annual interest of seven per cent, and an action brought by him is now pending to recover the difference between the market value of the gold at the time when it was sold and United States currency, which, if successful, may add about $8,000 more to the estate.

The result of inquiries was that Colah was a native of and had come from Bombay. His family were discovered there. After receiving this information, two of his brothers and his wife united in and transmitted to Mr. Edwards a general power of attorney, authorizing him to take charge of Colah's person and estate; under which, however, no action was taken by that gentleman until he received, through the American Consul at Bombay, a communication from Heera Baee, the wife, requesting him to apply to this Court, on her behalf, for the allowance of a certain sum to meet her present expenses, and for a fixed sum annually thereafter for the support of herself and her children. This application having been heard, the Court made the usual order for a reference, which is still pending, a commission having been despatched to Bombay that the Court might have legal evidence of the necessary facts and such information as would enable it to fix upon a proper allowance; which commission has not yet returned. Pending this inquiry, Framjee Dosabhoy C. Wadia, the father-in-law of Colah, arrived in this city from Bombay with a power of attorney from Heera Baee, the wife, authorizing him, on her behalf, to take charge of the person and property of the lunatic, to bring him and it to Bombay, and to make such application for that purpose, in her name, as might be necessary. Mr. Wadia accordingly presented a petition in her name, asking that the person of Colah might be placed in his charge, and that the money, securities and other property belonging to Colah should be delivered up to him as the authorized agent and attorney of Heera Baee. The application for the delivery of the property was opposed by the British Vice Consul, through his counsel, who read a formal protest, made by the two brothers of Colah before a notary in Bombay, to the effect that Mr. Wadia was not a proper person with whom to entrust either the person or the property. The application to place the property in the hands of Mr. Wadia was denied, for reasons which have already been assigned, but the application to transfer Colah from the jurisdiction of this Court rests upon entirely different grounds.

The Judge then proceeds to review the various reasons which had been adduced, in the course of the case, for sending Colah back to Bombay, and to consider whether the Court has power to remove him beyond its own jurisdiction. In doing this the Judge refers elaborately to the law bearing on such questions, and finally decides thus:—

Major Constable having consented to take charge of Colah, my instructions are that he shall take him by the next steamer which leaves here, to connect with a steamer on the Pacific, to San Francisco. That from San Francisco he shall take him by steamer to Hong Kong, and from thence by steamer to Bombay, and, upon his arrival at Bombay, place him in the institution referred to by Dr. Clymer. That the nurse that has hitherto had charge of him at the institution at Flushing shall go with him and continue the same care and attention he has hitherto bestowed, until he is placed in the institution in Bombay.

Major Constable, upon his arrival in Bombay, will immediately notify the wife and relatives of the presence there of Colah, and if they or some one of them do not apply for the appointment of a committee at the earliest possible period, then Major Constable is instructed to make the application himself to the proper judicial tribunal or judge within the jurisdiction, and will bring back with him duly authenticated evidence of the appointment and of the asylum or institution in which Colah is placed.

The final order may be settled upon one day's notice.

Buckham, Smales & Walker, of counsel for petitioner; Edwards & Odell, of counsel for committee; Salter & Cowing, of counsel for British Consul.

## METING OUT JERSEY JUSTICE.

Yesterday was the day of doom for convicted prisoners in Trenton. The Court accepted a plea of guilty of assault and battery in the case of William Kleeman, indicted for the manslaughter of William Roesseler, at Freese Hall, on the night of the ball for the relief of the wounded German soldiers in the late war. Mr. Green appealed for mercy yesterday morning, saying that the Court, having accepted a plea of guilty of assault and battery on an indictment for manslaughter, they should be lenient. He pleaded that it was the first night the hall was opened; that the stairway was then dangerous, and that Kleeman did not intend to kill Roesseler.

The victim only lived a few seconds after he was pushed down stairs, and the length of time which has elapsed since the offence was committed had caused the public to suppose that it had been passed over. Sentence was deferred.

The sentences were as follows:—Five prisoners were ordered to pay $20 and costs for selling liquor on Sunday, and threatened with State Prison for next offence; two were fined $20 and costs for keeping disorderly houses; twenty-five were fined for assaults, and two were sent to County Jail for larceny of whiskey. John Donnelly, who has been a terror by the use of his fists, was sentenced to two months' hard labor, with a promise of State Prison if he ever transgressed again.

# AMERICAN BIBLE UNION.

### Second and Last Day's Proceedings of the Twenty-second Anniversary—Three Sessions Held and All of Them Well Attended.

The second and last day's proceedings of the American Bible Union anniversary was commenced at half-past ten o'clock yesterday forenoon in the Mariners' church, corner of Oliver and Henry streets. The president of the Union, the Rev. Dr. Armitage, presided and opened the meeting with prayer. The attendance of both ladies and gentlemen was somewhat larger than at either of the sessions of the preceding day, and every one present seemed to take a deep and heartfelt interest in the proceedings.

The first half hour was devoted to religious exercises, which consisted of speaking, praying and singing, after which the regular business was commenced by the Rev. Dr. J. W. Willmarth, chairman of the Committee on the Revision of the Proverbs, who read the committee's report in full. This report, after considerable discussion and speaking on the part of Dr. T. G. Conant, Dr. G. W. Eaton and Dr. Armitage, the president, was unanimously adopted by the Union. At the conclusion of some little further discussion on the part of the brethren the morning session adjourned.

### Afternoon Session.

At two o'clock the afternoon session was begun. As on previous occasions the first half hour was devoted to religious exercises. The minutes of the morning session were read by the Secretary and adopted.

The report of the Committee on the distribution of the Scriptures among the freedmen of the South was read by the committee's chairman and adopted. The report strongly urged the adoption of suitable measures for the distribution of the Bible among the colored population.

Under this head, the colored population, the Rev. Mr. Perry, secretary of the Consolidated Convention and a remarkably intelligent son of Ham, was introduced to the audience, whom he greatly pleased by his remarks, which were of a general character, on the subject of the American Bible Union. Remarks were also made by Mr. Day, the Rev. Mr. Webber, Mr. Wyckoff, Rev. Mr. Hughes, the Rev. Mr. Gessler, Rev. M. Bocock and others, after which the chairman of the Committee on the Italian Scripture read his report, which was adopted after the usual amount of discussion by the brethren.

The chairman of the Committee on the Zeloogoo Scripture also presented his report, which was exceedingly interesting. It shows that the missionaries among the Zeloogoo have now three churches and 1,580 communicants. The report was unanimously adopted.

The report of the Committee on the Revision of the Psalms was made through the committee's chairman, and adopted.

After a few remarks by the Rev. Mr. Van Meter the session adjourned.

### Evening Session.

The services of the twenty-second annual anniversary of the American Bible Union were concluded by an evening session, which commenced at half-past seven o'clock. The attendance was by far greater than it had been since the commencement of the exercises. As a fitting close of the event the Rev. Thomas Armitage, D. D., delivered a highly interesting and instructive discourse on "The Verbal Inspiration of the Sacred Scriptures."

## AMERICAN MISSIONARY ASSOCIATION.

HARTFORD, Conn., Oct. 26, 1871.

At the closing meeting of the American Missionary Association, this morning, the committee to whom was referred the report on the Indians reported in favor of co-operating with the government, heartily endorsing the policy of President Grant and recommending to the association and the friends of humanity everywhere a hearty support of that policy.

Ex-Governor Hawley then made an earnest address, showing:—First, the bitter hostility which the Missionary Association encountered in its early days, when abolitionism was unpopular. He alluded to the fact that his own father was brick-batted in a Connecticut town, and, to show the great change in public sentiment, he said that he himself had secured a republican majority in that very town. He argued that the Indians were capable of Christianization and civilization, and quoted the officers of the Hudson Bay Company and others, saying that the Indian will treat the whites well if they will treat them humanely. The speaker did not believe that it was necessary for the Saxon and Protestants to kill the Indians on sight when Latins and Catholics, even, get on without it.

Secretary Delano, of the Interior Department, then made a long and eloquent address. After showing that the government had always been liberal in its donations to the Indians who were swindled by agents, so that they had become bitterly hostile to the government, he proceeded to explain the new policy which was adopted by General Grant, who sounded the key note in his inauguration message, when he said, "I am in favor of any policy in behalf of the Indians that tends to civilize them and make them citizens." The policy he believed in was to aggregate the Indians on a single Territory. He believed that the time would come when they would be accepted as citizens and would participate in our elections. He thought they were better subjects for Christianizing than some of the politicians of New York. Altogether the Indian population does not exceed 350,000. In the work before it the government is now, for the first time, acting the part of a missionary.

## ARMY INTELLIGENCE.

### Stations of Officers of the Adjutant General's Department.

The Adjutant General's Department has been reduced, by resignations, deaths and other casualties since 1869, to fifteen officers—leaving vacancies for one colonel, one lieutenant colonel and three majors. No appointments or promotions, however, can be made without further legislation by Congress. The present staff is not sufficient to allow an assistant adjutant general to each of the fourteen military divisions and departments, after deducting the three on duty at the War Department, and the following line officers are therefore acting as assistant adjutant generals:—

Captain Robert N. Scott, Third artillery, Headquarters Military Division of the South, Louisville, Ky.

Lieutenant Louis V. Caziarc, Second artillery, Headquarters Department of the Columbia, Portland, Oregon.

Lieutenant E. W. Stone, Twenty-first infantry, Headquarters Department of Arizona, Prescott, Arizona.

The following are the stations of the Adjutant General's staff:—

*Adjutant General.*

Brigadier General Edward D. Townsend, War Department, Washington, D. C.

*Assistant Adjutant Generals.*

Colonel Richard C. Drum, Headquarters Military Division of the Atlantic, Philadelphia, Pa.

Lieutenant Colonel James B. Fry, Headquarters Military Division of the Missouri, Chicago, Ill.

Lieutenant Colonel John C. Kelton, Headquarters Military Division of the Pacific, San Francisco, Cal.

Lieutenant Colonel Robert Williams, Headquarters Department of the Missouri, Leavenworth, Kansas.

Major William D. Whipple, Adjutant General's Office, Washington, D. C.

Major Chauncey McKeever, Headquarters Department of the East, New York city.

Major George D. Ruggles, Headquarters Department of the Platte, Omaha, Neb.

Major Thomas M. Vincent, Adjutant General's Office, Washington, D. C.

Major Oliver D. Greene, Headquarters Department of Dakota, St. Paul, Minn.

Major Samuel Breck, Headquarters Department of California, San Francisco, Cal.

Major Louis H. Pelouze, Headquarters Department of the Lakes, Detroit, Mich.

Major Henry Clay Wood, Headquarters Department of Texas, San Antonio, Texas.

Major Joseph H. Taylor, Headquarters Department of the South, Louisville, Ky.

Major James P. Martin, Adjutant General's Office, Washington, D. C.

## NAVAL INTELLIGENCE.

Passed Assistant Surgeon Shaw has been ordered to the Michigan, and Babin to the Boston Navy Yard; Assistant Surgeon Gillespie to the Boston naval rendezvous, Chief Engineer Davids to the Saranac, First Assistant Engineer Sidney L. Smith and Second Assistant Engineer Stevenson to the Bureau of Steam Engineering; Surgeons Burbank to Mare Island, William E. Taylor to the Pensacola; Chief Engineer Nones to the Juniata, Chief Engineer Jones placed on waiting orders, Chief Engineer Robie to the Wabash, and also as Fleet Engineer of the European fleet; Chief Engineer Loring as inspector of machinery afloat at the Boston Navy Yard, Chief Engineer Barry to the Pensacola, First Assistant Engineer Lee to the Pensacola.

Lieutenant Commanders Kane and Franklin have been ordered to special ordnance duty at Pittsburg, and Lieutenant Commander Rowland has been ordered to ordnance duty at the Portsmouth Navy Yard.

## A FORTY THOUSAND DOLLAR FAILURE IN NEWARK.

Yesterday afternoon the dry goods store of J. L. Sutphen & Co., No. 165 Market street, Newark, was seized by United States Marshal Plummer under the general bankruptcy law, the firm having failed to the extent of about forty thousand dollars, the principal creditors being Messrs. H. B. Claflin & Co., of New York. The alleged cause of the seizure was that Mr. Sutphen had made an assignment of his property to some creditors to the exclusion of others. Mr. Sutphen is President of the Young Men's Christian Association of Newark, and stood high in the community. The cause of the failure is not known.

# DEPARTMENT OF DOCKS.

### Meeting of the Board of Commissioners—The Fulton Ferry Widening—Obstructions in the Slips—A Derrick "as is a Derrick"—Bills Outstanding—That Fifth Avenue Poultice.

The Commissioners of the Board of Docks met yesterday afternoon in stated session, with the President, Mr. John T. Agnew, in the chair. After the usual routine had been disposed of Mr. Wilson G. Hunt, of the Executive Committee, offered several reports on matters which had been referred to the committee for examination. Among these the first was one in relation to

THE FULTON FERRY MOUTH.

The ferry company, it will be remembered, applied for permission to have the outer westerly end of pier 22 which had been battered down by the ferryboats entering the slip widened. The matter had been referred to the committee and they had consulted the Engineer-in-Chief. From the Engineer's Department it was reported that it would be injudicious to cut off the outer westerly end of the pier unless the pier was widened on the easterly side, and a resolution providing for the work to be done in that way was proposed by the committee, with the proviso that the Ferry Company agree, in writing, to defray the expense of such alteration as soon as it shall be completed. The report was, on motion, adopted. In regard to the

SUNKEN CRIB

between piers 12 and 13 North River, the committee reported that they had consulted the Engineer-in-Chief and had learned from him that the dredging machines of the department could remove the obstruction, and that the work was already under way. This, of course, will be a relief to the owners of the steamers who have suffered loss by the breaking of propeller wheels and staving of ships' bottoms on this crib, which has been in this position for some years.

YOUMANS' LUMBER

was removed by order of the department, as the lumber aforesaid had been obstructing pier 42 East River, and was so removed by the corporation. The committee offered a resolution, which was adopted, directing the Secretary to give Mr. Youmans an order for his lumber when he had paid the sum of $139 14 for the carting of the material from the dock.

THE KNICKERBOCKER ICE COMPANY

was directed by resolution of the Executive Committee to have pier foot of Seventh street, East River, placed in proper repair and made safe for travel before November 1, or that the department would have the work done at the company's expense.

In relation to repairs absolutely needed at piers Nos. 4, 5, 6 and 7 East River, the committee proposed that the work be done immediately by the department, and at the expense of the lessees, who had neglected to comply with the orders of the Board, and make the docks safe for travel and traffic.

THE INDEBTEDNESS OF THE BOARD

was shown by the report of the Auditing Committee as presented by Mr. Wood. From the report it appears that the amount of bills audited since last report was $60,554. There had been laid over previous to the last report $46,916, and there were now before the committee bills amounting to $25,897. That these, with others, made the amount of unpaid bills outstanding $133,374. The report was accepted, and on motion laid on the table until the necessary funds were in the hands of the Board.

Among the items in the report were four to C. H. Delamater for work on the new

DERRICK FOR THE DEPARTMENT,

which showed that for four weeks' work there was due the sum of $33,159 33. This derrick is to be used for carrying and depositing of the stone blocks for the water front and which are to weigh on an average 100 tons each. The derrick when completed will be the "biggest thing" of the kind in the country.

COMMUNICATIONS

were received from H. P. McGowan in relation to the release of the triangular piece of ground at 135th street, Fourth avenue and Harlem River. The matter was referred to the Executive Committee, as was also one from Superintendent Westervelt in relation to the bulkhead at piers 36 and 37 North River, and the privilege of building thereat a platform or dock. A communication from parties doing business near pier 47 East River was received asking permission to build a pier, 100x40, at their own expense, and to be granted a lease for three years, at a rental of not more than $300 per annum. This was referred to the Executive Committee, together with a communication from Mr. Townsend for permission to erect a platform for an office on a few piles at bulkhead between piers 52 and 53 East River.

The Farmers' Protective Union were granted permission to dredge slip at foot of Twentieth street East river, so as to have seven feet of water where is now but four feet. The contractor who has the job of grading Fourth avenue has found it "essentially necessary" to have a dock for himself at the foot of 135th street, Harlem River. He did not say what kind of a dock he wanted, gave no details or clear information. The matter, after some discussion, was referred to the Executive Committee.

THE SUPERINTENDENT'S REPORTS

were received and filed. It appeared from these that several piles had sprung in pier 20 East River, and were dangerous to shipping. They are to be repaired. Mr. Ransom complained that the stevedores on pier foot of Twenty-third street, East River, had neglected to put down the extra platform for their horses.

Mr. Agnew stated that he had visited the dock and found it very much encumbered with bricks, lath and other material. He said also the remnants of

THE FIFTH AVENUE POULTICE

still remains piled on the street at the entrance to the dock, and that the Department of Public Works had neglected to remove it, although the promise had been made early in the spring that it would be removed.

On motion it was ordered that the stevedores and owners of the material stored on the dock should be fined, and that the Superintendent should see that the rules were more strictly enforced.

The Board shortly after adjourned.

## THE NATIONAL INSURANCE CONVENTION.

### Proceedings of the Eighth Day—Decision as to the American Experience Table.

The business of the Convention was resumed yesterday, and on the motion of Mr. HARVEY, of Missouri, the consideration of the American Mortality Experience Table was resumed. After a lengthy discussion the table was agreed to by a majority of twenty-two to three.

The report of the committee on this subject, as introduced by General Smith, of Kentucky, was adopted.

Mr. HARVEY, of Missouri, moved for consideration to-day the following resolution:—

That capital stock shall not be regarded as a liability to be converted into the gross assets of life companies, and that no report should be published by a department setting forth impairments of capital, if any exist.

The following letter was read by the Chairman:—

The English companies would respectfully ask the Convention to fix the time for making our statement of the condition and affairs of the companies, from the present offices, annually, in the month of June, for the fiscal year next preceding, and the supplementary statement for the business in the United States in the month of February for the year next preceding 31st December. The reasons are, the extensive business of these companies require this time to perfect these statements.

This letter was signed by all the representatives of companies doing business in the States.

The Convention adjourned at four o'clock until this morning.

## BARBARIANS AT HOME.

### A Woman Among the North Carolina Swamps.

Yesterday afternoon a little company of ladies met in the parlors of Mrs. Dr. Lozier to listen to a romantic story told by Miss Bell, of Horker's Island, N. C. In 1863 Miss Bell went to this island, which is five and a half miles long and one and a half wide, and has 600 inhabitants, and, taking possession of a shanty fourteen by fifteen feet in size, gathered fifteen children so dirty and ragged that they were more repulsive than one can imagine. She procured soap and towels and made it her business to get the children clean. The school soon increased to fifty, and in six months the forlorn pupils could read and write a little, and were started in arithmetic and geography. The parents of these children had been owners of slaves, and before the war were in the habit of sending their slaves to work for the planters, and living on their wages. Their "niggers" were their only salvation, and after they had lost them their situation was too low for description. In the school were grandmothers of seventy years, their children and grandchildren, all white and all studying together. They knew nothing of work, and Miss Bell began with a half acre of ground to cultivate vegetables and fruits, paying the people from her own purse, and then selling to them the products of the garden for work again. In this way she has worked for three years, reclaiming the swampy land little by little; braving all difficulties, after being in danger of losing her life at the hands of the semi-barbarians for whom her efforts were put forth. She has twenty-eight acres of land and a little cottage, and is carrying on the work as rapidly as possible with small finances, and one woman's hand and heart.

## YELLOW FEVER IN CHARLESTON.

CHARLESTON, S. C., Oct. 26, 1871.

There were two deaths from yellow fever during the past twenty-four hours.