CONDITION OF THE CITY.

Important Meeting of the Board of Health Yesterday.

RAPID INCREASE OF SMALLPOX.

The City Pronounced by the Health Authorities in Danger of a Widespread Epidemic.

Dirty Streets and Filthy Tenements.

The Uptown Mantrap—Trains from the Central Depot Endangering Life and Obstructing Travel—Depression of the Railroad and the Bridging of Intersecting Roadways Recommended.

President Bosworth presided at the session of the Board of Health yesterday, at which all the Commissioners were present except Mayor Hall, Dr. Carnochan and Mr. Henry Smith.

OUR DIRTY STREETS.

Dr. Ceccarini, chairman of the Sanitary Committee, presented a report showing the foul condition of the streets, in which it is stated that in many cases the contractor has failed to clean them at all during the week, and where work has been done it has been imperfectly performed. It was also said that street refuse and garbage are still dumped into open lots and river slips, contrary to law; but as these were not specified the report was sent back to the committee for this addition. It will then be sent to the Street Cleaning Commission.

"A MODEL TENEMENT HOUSE."

Upon recommendation of the City Sanitary Inspector it was ordered that the tenement house in rear of Nos. 5, 7 and 9 Mulberry street, in which the fire occurred on Sunday, be closed on December 2, at noon, and shall not be again occupied as a human habitation without a permit from the Board. This house is forty by sixty feet, has five floors, contains forty families, has only fourteen feet between it and the high brick tenement in its front and but four feet between it and the huge factory behind. The mortality among the inmates has been as high as seventy-five in one thousand, and the house is described as being in every way unfit for the abode of human beings.

Report of the Sanitary Committee.

The following reports were read and ordered to be filed:—

The Sanitary Committee respectfully reports the work of the several bureaux for the week ending November 18, 1871:—

Sanitary Inspection.—Moreau Morris, M. D., City Sanitary Inspector, reports a total of 1,977 inspections by the Health Inspectors as follows, viz.:—754 tenement houses, 1 public building, 136 private dwellings, 117 other dwellings, 9 manufactories and workshops, 28 stores and warehouses, 29 stables, 2 fat rendering establishments, 2 bone and head cleaning establishments, 55 slaughter houses, 10 manure dumps, 1 rendering company, 68 sunken and vacant lots, 57 yards, courts and areas, 55 cellars and basements, 42 waste pipes and drains, 125 privies and water closets, 385 streets, gutters and sidewalks, 10 piggeries, 18 other nuisances, 3 dangerous stairways, 5 cisterns and cesspools and 64 cases of contagious diseases visited. The number of reports received from the Health Inspectors was 302. During the week 57 complaints have been received from citizens and referred to the Health Inspectors for investigation and report. His report also shows that during the week the Disinfecting corps have visited 53 premises where contagious diseases were found, and have disinfected and fumigated 46 houses, 46 privy sinks, together with clothing, bedding, &c. 24 cases of smallpox were removed to hospital by the Ambulance corps. His report also shows that 91 sinks and cesspools have been cleaned and disinfected by the night scavengers under permits of the Board, and 300 loads of night soil removed from the city; 17 permits have been granted to vessels to discharge cargoes on vouchers from the Health Officer of the port. The following is a comparative statement of

CONTAGIOUS DISEASES

reported for the two weeks ending November 11 and November 18, 1871:—

Week Ending.	Typhus.	Typhoid.	Relapsing.	Scarlet.	Small-pox.	Measles.	Diphtheria.
Nov. 11	5	10	0	86	25	0	6
Nov. 18	5	16	0	59	43	1	8

I would again call the attention of the Board to the fact of the rapid increase of smallpox during the past week. Forty-three new cases were reported for the last week, and since Saturday last 30 cases additional, making a total of 63 new cases to the present date. The past three weeks have shown a rapid increase of this contagious disease in our midst. It is now apparent that the city is in danger of a wide-spread epidemic, which will not only destroy many lives, but impoverish many others. No class is exempt from this loathsome disease, and it can only be controlled by the most prompt and effective measures. Every person who has not undergone successful vaccination or revaccination during the last six years should at once resort to that means for protection. It is the only recognized preventive against this disease. As a proof of its protective value (it may be heeded) I can say that of over 99,000 persons who were vaccinated by the officers of the Health Department during the months from March to October of this year there has not one been reported to this Bureau as having had an attack of smallpox or varioloid.

THE DEATH ROLL.

Dr. Charles P. Russell, Register of Records, reports as follows:—During the past week there were registered 420 deaths, being an increase of 7 over the previous week, and 53 less than for the corresponding week of 1870. Zymotic diseases occasioned 102 deaths; constitutional, 104; local, 162; developmental, 29, and violent causes, 23. The fatal cases of smallpox almost doubled, having increased from 4 to 7, the highest weekly number within a month. The mortality of measles rose from 1 to 3, and that of scarlatina from 10 to 13. The deaths by diphtheria and croup together diminished from 16 to 10, those by whooping cough from 16 to 10, those by typhus fever from 2 to 0, those by typhoid fever from 8 to 3 and those by intermittent fever from 6 to 1. Remittent fever produced 6 deaths and diarrhœal diseases 25—an increase of 2 and 4 respectively. The deaths by phthisis pulmonalis decreased from 77 to 71 and those by the local respiratory affections from 70 to 62. One death was due to hydrophobia. The following were the principal meteorological features of the week as recorded for this department at the Cooper Union:—Mean reading of barometer, 29.921 in.; maximum temperature, 53; minimum temperature, 22; mean temperature, 4.50, being 1.730 higher than for the corresponding period during the past ten years; mean degree of humidity, 60.22.

The Uptown Man Trap.

The following important report was read, and after discussion was referred to the Sanitary Committee, with instructions to confer with the officers of the railroads as to what measures of relief are desirable and feasible:—

BUREAU OF SANITARY INSPECTION, Nov. 22, 1871.

TO THE BOARD OF HEALTH:—

GENTLEMEN—Having already forwarded a communication at the last meeting respecting the danger to life at Fourth avenue, between Forty-fifth and Fifty-fourth streets, herewith is presented a report upon the remedy suggested by the Engineer of the Board, with which I fully concur, after a personal examination with him. As it is necessary that the Mayor and Commonalty of this city should authorize this alteration of the grade of the avenue and intersecting streets, it is respectfully recommended that the Board of Health request of the Mayor and Commonalty the passage of the necessary ordinance granting permission to the railroad company interested to make the excavation suggested and alter the grade of intersecting streets, so as to meet the necessities of the alterations, and throw bridges across the Fourth avenue, the entire work and cost thereof to be done and borne by the railroad companies. Respectfully, your obedient servant,

MOREAU MORRIS,
City Sanitary Inspector.

ENGINEER HASWELL'S REPORT.

In compliance with your request I have visited and examined the roadway of the New York and Harlem Railroad within the limits of the city, and over which are run the trains of the New Haven, the Hudson and the Central roads, and submit the following:—From the depot, terminating at Forty-second street, designed for the combined accommodation of these roads, there are passenger and freight trains arriving and departing daily. Added to this there is the making up of the various trains and the local removal of the cars by the agency of station or switch engines, as they are termed, the result of which is the doubling of the transit of locomotives and cars over the time trains within the limits of the external depot upon the Fourth avenue, from Forty-fifth to Fiftieth street. Under this condition of occupation of this avenue and of adjacent portions of the transverse streets the transit of vehicles or passengers across or upon the Fourth avenue, from Forty-fifth to about Fifty-second street, is not only actually obstructed for the greater portion of the day, but it is positively dangerous to life and limb at all times, and so manifest is this that the parties in control of this depot have recognized the necessity of some salutary action by thus placing posts and chains across Forty-fifth, Forty-sixth, Forty-seventh and Forty-eighth streets, thus actually arresting travel through these streets, except at such instants of time as the person in charge of these obstructions may decide to be safe; or, in effect, the right of travel through these streets is subject to the convenience of the railroad or the discretion and pleasure of a chain tender. As the matter of the right vested in the companies referred to occupy a certain portion of the Fourth avenue and to lay any such number of tracks as their convenience may dictate is not one to be questioned or discussed by us, we have to confine ourselves to the matter under our observation and an expression of our views as to the best measure of meeting the legitimate requirements of the companies consistent with the demand of the public. The grade of this road from the depot to the Harlem River, with the exception of the depressions commencing at Sixty-sixth street, and again at Seventy-second street, and the elevation over Harlem valley, is the same as that of the avenue upon which it is located, and consequently public travel through the transverse streets for the entire length of this portion of the road is subjected to the risk of life and limb by the rapid transit of so great a number of trains. In consideration, then, of this condition of the case we further submit—

First—That this roadway, commencing at the line of Forty-fourth street (which is within the depot), be depressed with the greatest practicable rate of depression until it reaches a depression of eight feet, and that it be continued at this limit to the deep cut at Sixty-sixth street.

Second—That the roadway at the intersection of all streets that cross it below the tunnel be bridged in such manner as will afford all proper convenience for the transit of foot passengers and vehicles.

Third—That this roadway for its entire length from Forty-fifth street, where not tunnelled or bridged or running above the grade of the avenue, as over Harlem valley, be walled in laterally for a height of five feet.

Fourth—That the line of the roadway from where it runs five feet above the grade of the avenue at about —— street to Harlem River be fitted with lateral walls between the line of streets, and at the streets traversing the road there shall be gates so arranged that when open the transit of the roadway across the street is obstructed, and contrariwise, when the roadway is open the transit through the street will be obstructed. The line or depth of eight feet for the depression of the road is assigned for the triple purpose of not interfering with the sewers through the transverse streets, of leaving sufficient space above to afford light and air to the passengers in the cars and to render the height and consequent length of the transverse bridges the least practicable consistent with the other conditions. The width of the depression between Forty-fifth and Fiftieth streets where the requirements of the road exceed that of a double line of rails should be subject to a decision when the plans of the proposed arrangement have been fully delineated, and the width of the roadway above Fifty-third street to be confined to that required for a double line of tracks alone. CHAS. H. HASWELL, Engineer.

CHOLERA.

Its Appearance at Halifax and the Condition of the Sick in the Lower Bay.

In order to ascertain if the report that a deserter from the steamship Franklin was the traceable cause of the appearance of the cholera at Halifax, a HERALD reporter, after receiving permission from the Health Officer, called upon the captain of the quarantined vessel yesterday, and found as follows:—That the telegraphic message attributing the disease to the desertion of the cook of the Franklin was false in every particular, as but one person, a cabin passenger, named Neumann, was landed at that point, and, as the epidemic was confined to the steerage, it is hardly possible his going ashore was the cause of the manifestation of the pestilence; yet it is well known by medical men that choleraic and infectious diarrhœa may last for days, if not for weeks, and it is this class of cases reported well which escape the vigilance of inferior health officers and carry with them the seeds of a poison which only requires the vitiated atmosphere of large cities for development, and this may have been the case at Halifax. The Health Officer allowed Neumann, after full examination, to go ashore, and to him alone is the blame of the transmission of the disease.

No new cases have been developed on board the Delaware since last report, and last evening, at eight o'clock, the detained ladies and gentlemen were happy as possible. Cards and music were the pastimes, and no one could infer from the hilarity of the majority that death a short time before had stalked roughshod among them.

At the West Bank Hospital, through the judicious treatment of the officials in charge, there have been but three deaths since last report, making but six in all that have died at that hospital, and these being marked victims before reaching there. The recent deaths were:—Dorothea Stubbs, aged forty-nine; Joachime Dulsing, twenty-four; Cecilia Nielsen, two and a half years; but against this list of deaths there is the pleasant exhibit that yesterday there were sent on board the Delaware as convalescents ten adults, as follows:—Hansinea Poulsen, Lars Peter Poulsen, Hans Poulsen, Anton Nielsen, Andreas Nielsen, Anna Nielsen, Peter Christianson, Carl Labs, Bertha Holm and Fredricka Holm. There now remains at the hospital yet receiving treatment thirty-four persons, and should nothing unlooked-for occur Doctors Reid and Mosher, with the assistance of Captain O'Rourke, expect to save them all.

The good results of the work of our quarantine are thus made apparent, and when it is stated that but nine deaths have occurred in all since the Franklin came within our waters with the dread disease, it shows what a grand sanitary cordon Dr. Carnochan has woven about us. The method of this officer and his assistants in treating infectious diseases is such as to prevent any such introduction of them in our city as seems to have befallen Halifax, through the stupidity or ignorance of their port official.

ANOTHER INTERESTING WILL CASE.

Remarkable Discovery of a Will—What a Doctor's Poetry and a Printer's Investigation Led To—The McAdam Property in Litigation.

Mr. Hugh McAdam, of No. 339 West Fortieth street, died on July 12, 1869. He left about twenty thousand dollars worth of property behind him. He was childless, and bequeathed a life interest in his estate to his widow, almost the entire property, after her death, being devised to the Roman Catholic Orphan Asylum and the Church of the Holy Cross. Some trifling legacies to a few relatives were the only exceptions. Now comes in the curious part of the transaction, which was yesterday evolved before Surrogate Hutchings,

THE DISCOVERY

of the will. At the time Mr. McAdam died it was not known by any of his relatives that he had made a will. It was for a long time believed that he had died intestate. His regular medical attendant was Dr. John Brady, of East Twelfth street, who, however, died before Mr. McAdam. Dr. Brady was

A POET

as well as a physician. He wooed the Muses, though he did not, like Bolus, run the risk of poisoning his patients by writing his prescriptions in verse. However, he wrote several poems which, after his death, were thought worthy to be printed. A printer was sent for to examine the doctor's manuscript and appraise the cost of having the poetry published. In looking among the papers the typographical man accidentally came across a document which seemed to be

A WILL.

On examination it proved to be the will of Mr. Hugh McAdam, deceased. The subscribing witnesses to the will were Dr. John Brady, at this time also deceased, and Dr. Brady's son, who was away at the Franco-Prussian war. When he returned his attention was called to his signature on the document, and then he remembered that Mr. McAdam had actually made a will, to which Dr. Brady and himself had both affixed their names as subscribing witnesses. The son of Dr. Brady, having his whole attention engrossed in his duties, had forgotten all about the will until he was reminded of it after coming home. He at once pronounced the will to be

A GENUINE DOCUMENT,

and then there was much commotion among Mr. McAdam's relatives on finding the nature of its provisions. Mr. McAdam had many relatives both in this country and Ireland, and they were rather dismayed to find that they were not remembered. They did not like the idea of Mr. McAdam's property going out of their hands to charitable institutions. A number of them, therefore, disputed the will, declaring it to be

A FORGERY.

The case was contested before Surrogate Hutchings, until the genuineness of the will was sustained. Now the contestants shift their ground, and combat the will on the ground that the law prohibits a man from devising more than half of his estate to charitable institutions while any near relatives are living.

A witness named James Maguire was on the witness stand in the Surrogate's Court yesterday, and testified to several relatives of the late Mr. McAdam living in this country.

The summing up of counsel and the Surrogate's decision are all that remain to terminate this remarkable case.

John H. Bird is counsel for the proponent of the will, the widow of deceased; Mr. Scribner acts for the contestants; Mr. Thomas Glover represents the religious institutions.

BROOKLYN MORTALITY.

There were 204 deaths in Brooklyn during the past week. Of the deceased 42 were men, 40 women, 72 boys and 40 girls; 45 were under one year and 24 were between the ages of 60 and 80 years. The nationalities of the deceased were as follows:—United States, 149; Ireland, 29; Germany, 15; England, 8; Scotland, 2; Russia and Austria, 1 each. Scarlatina carried off 17, consumption 31, disease of the brain 19, diphtheria 5, smallpox 4, croup 7, whooping cough and bronchitis 3 each, typhoid fever 2, diarrhœa 2, remittent fever 5. The highest death rate was attained in the Sixteenth ward, where the number of victims was 21. There were only 2 deaths in the First and Third wards.

THE COURTS.

Suit Against a Telegraph Company—Trial of Jim Irving—A Militiaman in Court—Decision in Admiralty—A Horse Car Accident—The Black Friday Suit.

UNITED STATES SUPREME COURT.

Violating the Commercial Statutes in Maryland—Judgment Against Accommodating Endorsers.

WASHINGTON, Nov. 22, 1871.

No. 204. *Ward vs. State of Maryland.*—Error to the Court of Appeals of Maryland. The plaintiff in error was indicted in the Criminal Court of Baltimore for violating the statute of Maryland by selling by sample in the city of Baltimore certain merchandise (harness fixtures) without a license, he being a non-resident of the State. The court below held that the statute under which the indictment was found was not repugnant to that clause of the constitution which entitles the citizens of each state to all privileges and immunities of citizens of the several States, nor to the clause which grants to Congress the power to regulate commerce with foreign nations and among the several States, and with the Indian tribes, because that clause confers upon Congress no power of regulation or of direct control over the internal commerce or domestic trade of the States. Upon these views the indictment was sustained, and the cause is brought here, where the reverse is maintained by the plaintiff in error, and it is contended that this attempted regulation by a State of the manner in which trading within it may be carried on by citizens of other States, and in respect of merchandise to be introduced from other States, teaches the main affirmative power of ordinary active commerce between the States, confided to Congress, and in this case is a direct discrimination between citizens of Maryland and citizens of other States in respect of an ordinary and extensive branch of mercantile dealing. On the part of the State the view of the Court below is adopted and elaborated at great length.

No. 265. *Yeager et al. vs. Farwell et al.*—Error to the Circuit Court for Missouri.—This was an action of assumpsit on a promissory note for $15,000, executed in December, 1863, payable one year after date, of which the plaintiffs in error were endorsers. Their defence was that they were endorsers without consideration, at the request of the payees and for their accommodation, upon the express stipulation of the latter that the endorsement should do the endorsers no harm. It was also pleaded that the note was not presented for payment at the place of payment nor protested, nor was any notice of demand or non-payment ever served on the endorsers. The case turned upon questions of fact, which went against the endorsers, who come here insisting that the Court erred in its rulings. The case is submitted on the printed briefs. G. P. Strong for plaintiff in error. T. T. Gantt for defendants.

UNITED STATES CIRCUIT COURT.

Alleged Malicious Prosecution.

In the two cases of Marcus Brod vs. D. W. Ives, who is an officer of internal revenue under Supervisor Dutcher, for alleged malicious prosecution, Judge Woodruff has reduced the bail in each case from $25,000 to $5,000.

A Telegraph Suit.

The case of Humeston vs. the American Telegraph Company, which involves questions affecting the patent of the plaintiff in a telegraphic instrument and his claim to certain payment for the use of his machine by the defendants, under a contract in writing, is still at trial. It has already occupied seven days, and to all appearance will take up as many more. The defendants have ten or twelve experts to examine. After the above case has been disposed of

The Trial of Jim Irving

will be brought on by the District Attorney. Jim was around yesterday in the federal building with some of his political friends and acquaintances. His counsel, Charles S. Spencer, was also on hand; but there was no need of his services, as there was not the slightest chance of the trial coming on.

UNITED STATES DISTRICT COURT.

Decision in Admiralty.

In the case of Thomas Dunham et al. vs. 1,265 Vitrified Pipes, Judge Blatchford has rendered a decree for the libellants, with an order of reference.

SUPREME COURT—CHAMBERS.

Another Gallant Militiaman in Jail.

Before Judge Brady.

The People ex rel. John A. Crandall vs. John M. Tracy.—This is another of those frequently recurring cases of imprisonment of members of our gallant militia regiments for failing to pay fines. Crandall was a member of the Thirty-seventh regiment, which, in September, 1870, was consolidated with the Seventy-first regiment. He reported for duty in the regiment as newly organized and ordered his uniform. In July and August he failed, however, to put in an appearance at three parades, and accordingly was made the subject of a court martial investigation. He put in the claim that the Court had no jurisdiction by reason of his not being a member of the regiment, inasmuch as he had not yet signed the by-laws. He was fined $22, and, failing to pay the amount, was given quarters in Ludlow street Jail, the hospitalities of which historical hostelry he has been enjoying eight days. Yesterday he was brought before this Court on a writ of habeas corpus. His counsel entered upon a technical defence, claiming that the warrant was defective.

"Is the relator able to pay the fine?" interrupted the Judge, cutting this argument short.

"The presumption is that he is," answered the legal representative of the regiment, "as he has been able to pay counsel and $15 a week for board at the jail."

"This money may have been furnished by friends," continued the Judge; and then he added, "The statute provides that a discharge may be granted by the division commander upon representation that the soldier was unable to pay the fine."

The JUDGE ADVOCATE stated that upon such representation the man would have been promptly discharged by the brigade commander; but when members were contumacious, as in the present case, he wished the law to be enforced.

Judge BRADY said he thought the relator had been long enough in jail, but he suggested as the best course to lay the case before the division commander. In case the latter refused to discharge him the prisoner might be brought before him on Friday, when he would decide the matter.

The Board of Canvassers' Mandamus.

Ex rel. Daniel D. Conover.—Mr. Conover, claiming to have been elected Alderman at the late election, it will be remembered, was the man who procured a peremptory mandamus from Judge Barnard, compelling the Board to count the vote for Aldermen. The subsequent application to have this changed to an alternative mandamus was to have been argued yesterday morning, but was postponed till to-day.

Decisions.

Thomas M. Tyng vs. The Commercial Warehouse Company of New York.—Allowance granted.

Columbia Fire Insurance Company vs. Levi Cook.—See opinion.

Emanuel et al. vs. Glimmerman.—Motion granted.

In the Matter of David Levy, Executor.—Granted. See opinion.

Hins vs. Pinckney.—Motion denied.

In the Matter of the Application of Thomas Fealey.—Same.

In the Matter of the Application of Thomas Richardson.—Assessment vacated.

Eliza Crawford vs. Henry H. Waters, Receiver.—Order settled.

The Pacific Fire Insurance Company vs. Philip Levy et al.—Same.

In the Matter of the Application of Joseph R. Stuyvesant vs. John B. Fogarty.—See memoranda.

Joseph Agate vs. Eugene Minder.—Motion denied, but with liberty to defendant to renew.

Fleisch vs. Fox.—Default opened on payment of $20 costs and on executing an undertaking to be approved.

Bass vs. The Home Insurance Company.—Appeal sustained.

SUPERIOR COURT—TRIAL TERM—PART I.

That Black Friday Case.

J. O. Davis et al. vs. Jay Gould, James Fisk, Jr., et al.—This case continues to drag its slow length along. All day was consumed in lengthened argument by the opposing counsel of the motion to dismiss the complaint.

COURT OF COMMON PLEAS—TRIAL TERM—PART I.

A Black Friday Suit.

Before Judge Joseph F. Daly and a Jury.

Frederick Cameron vs. Frenz Deckheimer and Others.—This suit is brought to recover $38,880 85, the litigation growing out of the transactions of "Black Friday." Defendants acted as plaintiff's brokers in the purchase and sale of large amounts of gold, and on the 24th of September, 1869, rendered a statement showing sales to the extent of $404,000, with margins to the extent of $564,217 05. On the same day gold fell to 136, and plaintiffs ordered the purchase of $404,000. On the 30th following, the first day the Exchange did business after Friday, plaintiff again ordered a purchase of $404,000, gold being at 130. Neither of these purchases were made, defendants claiming that the margin had been exhausted through compromises made at a higher rate with parties from whom they borrowed gold to carry for plaintiff.

Plaintiff claims that if the purchases had been made he would have a balance in his favor to the amount he sues for. Case still on.

COURT OF COMMON PLEAS—TRIAL TERM PART 2.

A Horse Car Accident.

Before Judge Joseph F. Daly and a Jury.

Mary McAvoy vs. The Third Avenue Railroad Company.—In August, 1870, plaintiff was riding in a Third avenue car. She signaled the conductor to stop at Thirty-ninth street. He stopped, but she claims that before she had time to get off he started the car again, throwing her down and injuring her elbow and shoulder. Twenty-seven days after she gave birth to twins of only seven months. She claims that these are unusually delicate, and that the premature birth, with the subsequent ill health of both her and them, is the result of her fall. For these injuries she claimed $10,000 damages. The defence was, plaintiff's negligence and a denial that the fall could be the cause of a premature birth happening twenty-seven days after. Verdict for plaintiff, $850.

COURT OF COMMON PLEAS—SPECIAL TERM.

Decisions.

By Judge Loew.

Burnstead vs. Brinckerhoff.—Motion granted. (See memorandum for counsel).

Abbott vs. Van Winkle.—Motion to place cause of special calendar of short causes granted.

Martin vs. Gates.—Motion to vacate order of arrest denied, without costs and without prejudice to renewing the motion.

MARINE COURT—PART 1.

Decisions.

By Judge Joachimsen.

Hutton vs. Baron.—Action on note. Defence, counterclaim. Trial by Court. Judgment for plaintiff $171 61, and costs and $25 allowance.

Siegel vs. Martin.—Action for services. Defence, denial. Trial by Court. Judgment for plaintiff $768 50 and costs and $25 allowance.

Jones vs. Carll.—Action for goods, &c. Trial by Court. The only question litigated was as to the time when interest commenced running. Judgment for plaintiff $55 and costs and $7 allowance. The Court refused to make the costs any more than if the action had been brought in a district court.

Jones vs. Snyder Manufacturing Company.—Trial continued and concluded. Judgment reserved.

COURT CALENDARS—THIS DAY.

SUPREME COURT—GENERAL TERM—Held by Judges Ingraham, Barnard and Cardozo.—Nos. 178, 179, 180, 183, 184, 185, 187, 188, 192, 193, 194, 195, 196, 197, 199, 200, 201, 202, 203, 204, 205, 206, 207, 251.

SUPREME COURT—CHAMBERS—Held by Judge Brady.—Nos. 34, 57, 55, 74, 81, 105, 111, 112, 115.

SUPREME COURT—CIRCUIT—PART 1—Held by Judge Van Brunt.—Nos. 191, 325½, 169, 473, 363, 73, 87, 337, 509, 511, 513, 515, 517, 519, 521, 523, 525, 527, 529.

SUPERIOR COURT—TRIAL TERM—PART 1—Held by Judge McCunn.—Nos. 1161, 1045, 665, 893, 1211, 1233; 1235, 1241, 274, 243, 221, 1031, 979, 677, 789, 1165, 273.

COURT OF COMMON PLEAS—TRIAL TERM—Part 1—Held by Judge J. F. Daly.—Nos. 876, 1028, 1829, 68, 192, 514, 332, 408, 467, 1130, 1133, 539, 315, 1080, 772, 751. Part 2—Held by Judge Larremore.—Nos. 1064, 1101, 1102, 1109, 847, 1391, 1302, 787, 1083½, 1034, 1042, 1052, 1033, 314½.

MARINE COURT—TRIAL TERM—Part 1—Held by Judge Joachimsen.—Nos. 7852, 6596, 6726, 6953, 7106, 7201, 6860, 6861, 6863, 7037, 7038, 7039, 7040, 7049, 7050. Part 2—Held by Judge Gross.—Nos. 7139, 6886, 6921, 6969, 7020, 7185, 7225, 7982, 7042, 7043, 7044, 7046, 7047, 7048, 7051. Part 3—Held by Judge Curtis.—Nos. 7938, 7010, 7063, 7061, 7974, 8054, 7036, 7128, 7357, 7242, 7257, 7258, 7033.

BROOKLYN COURTS.

SUPREME COURT—SPECIAL TERM.

A Divorced Husband Seeking His Child—A Painful Scene.

Before Justice Gilbert.

Ruliff Bennett, Jr., vs. Isabella B. Bennett.—The plaintiff brought suit for an absolute divorce on the ground of adultery. The couple were married in 1861, and plaintiff alleged that in 1869 his wife left him and went to live with one William P. Jack, at No. 661 Baltic street. The case was sent to a referee. No defence was made, and the referee reported in favor of granting the divorce asked for. Judge Gilbert confirmed the report.

Yesterday Mrs. Bennett appeared in Court, in obedience to an order for her to show cause why her son, a boy of eight years, should not be delivered into the custody of the father. Counsel for Mrs. Bennett produced affidavits setting forth that plaintiff was not a fit person to have the care of the child, while counsel for Mr. Bennett submitted testimony showing that he was a man of exemplary habits and perfectly able to take care of the boy. Judge Gilbert decided to award the custody of the boy to the father, who thereupon attempted to kiss his son. The little fellow objected and began to scream. "That is not my papa; I don't want to go with him; I want to stay with my mama." He slipped away from his father and ran about the court room to escape from him. Mrs. Bennett interfered, and implored Mr. Bennett to desist, when Judge Gilbert suggested that the parties should retire to a private room with the boy. This was done, and shortly afterwards Mr. Bennett left with his son, who continued to scream until they reached the street.

SUPREME COURT—CIRCUIT.

Alleged Unlawful Possession of Property.

Before Judge Gilbert.

William Johnson vs. John P. Elwell et al.—The plaintiff sues to recover $1,600, the value of eleven horse cars and eight sets of harness, which he claims were taken possession of unlawfully by the defendant, about two years ago. In answer the defendants claim title to the property by virtue of a sale made to them in December, 1869, on the foreclosure of a mortgage made by the Metropolitan Railroad Company of the Eastern district upon its property to William Peet and William H. Talmage, trustees. Plaintiff, on the other hand, says that the property taken never belonged to the company, as while he was President he bought it with his own money. He further alleges that he never was included in the mortgage. Case on.

CITY COURT.

Trouble Between Debtor and Creditor.

Before Judge Neilson.

David H. Wagner vs. Charles Halstead.—This was an action to recover $2,000, which plaintiff claimed was due him under the following circumstances. He swore that he owed the defendant $5,000, and transferred a house and lot to him, to be sold by him to the best advantage. The property was sold by defendant for $7,000, and he kept the surplus of $2,000 over the amount of his claim. Halstead alleged that the plaintiff owed him $2,000 more than stated, and he therefore retained the surplus. The jury rendered a verdict in favor of plaintiff for $2,404.

JUDGE BEDFORD'S LEVEE.

Disposing of Old Offenders in the General Sessions—Highway Robbery—The Demi-Monde and Our Veterans—A Costly Round of Drinks.

Hiram Hoffman, an old and well known offender, was convicted in the Court of General Sessions of stealing two rifles and two pouches, all of the value of about forty dollars. Judge Bedford said it was necessary for the safety of society to rid the city of such

HARDENED CHARACTERS

for as long a period as possible; he would therefore send him to State Prison for five years.

HIGHWAY ROBBERY.

James Johnson, a bad fellow, well known to the police as a notorious character, on the 22d of October last committed an assault on one Michael Duffy, of 323 East Twenty-first street, while the latter was standing on the corner of Thirty-second street and Second avenue, and forcibly took from his vest pocket a silver watch of the value of $15. It was a regular case of highway robbery, the prisoner having been assisted in the operation by two accomplices. He took his departure for Sing Sing to serve a term of five years.

BURGLARY.

John Moore on the 9th of November, at night, effected an entrance into the premises of James M. Walter, of 260 West Forty-fourth street, by breaking open the front basement door. The complainant, Mr. Walter, had his attention attracted by an unusual draft of air as he was sitting in the back parlor. He proceeded to the lower portion of the house, lit the gas and found things generally in a confused state, and, upon further examination, the fact was discovered that a quantity of silverware had been abstracted, amounting in value to $185. The prisoner was found concealed under the table in his stocking feet, not having had time to effect his escape. He interposed a plea of guilty, and was sent to the State Prison for two years and six months.

A VETERAN VICTIMIZED.

On the night of the 8th of this month Richard Barton, a veteran of the rate war, and living at the Soldiers' Retreat, on Ward's Island, came to the city and met one Nellie Grey, who asked him if he wasn't going to treat. Rather a pretty cheeky proceeding, and probably so novel that it struck our hero rather favorably, for he at once inquired where they should go to procure the drinks. Barton had a friend with him, both of them pretty much under the influence of liquor. While the trio were in a Roosevelt street saloon a little girl came in peddling lead pencils. The complainant was about to purchase one, when Nellie, having an eye to the interests of her admirer, affectionately threw her arms around him and said, "You don't want any, darling." Twenty minutes after this loving embrace Barton made the melancholy discovery that his pocketbook, containing $92, was *non est*, and a pocket knife, worth a dollar and a half, was also not in its accustomed place. Nellie was arrested, and some $9 found upon her, together with the penknife. The complainant could not swear that Nellie took his property, yet it was gone, and he had not been in the company of any other person.

Judge BEDFORD said at this stage that as Barton could not swear the prisoner took his money it was a pretty slim case. However, the accused was put on the stand to give

HER VERSION

of the affair, who, of course, denied *in toto* the charge, after which the case was submitted to the jury, under the charge of the Court.

TOMBS POLICE COURT.

The Day of the "Reception"—Mary Ann Scott Again Arrested—"Twenty-three Years Coming to the Tombs"—The Pickpockets Arraigned—Identifying the Shoplifters.

The dull, heavy atmosphere of early morning yesterday made the Tombs Police Court assume in extra strength its peculiarly forbidding aspect. The stifling stenches from the prison mixed with the poisonous alcoholic vapor created by the breathing of the crowds of bleared and bloated culprits and vagrants who thronged the pens at the side of the room. Windows were opened in vain. The place was impregnated with stench, and sensitive stomachs had no business in such a place. On the benches facing the Judge's desk were the ordinary crowds of curiosity seekers, mingled with the half-sleepy police officers, who had been awakened from comfortable naps to convey their prisoners to the Court, or who had not yet had time to retire after their early morning watches and arrests. At the side reserved for females there were several of the most miserable, dilapidated and degraded looking wretches that could well be brought together. Some had come to see what fate was in store for companions of their own kidney; others were there with bandaged heads or bunged-up eyes or fresh, gaping wounds, to complain of affectionate taps from loving husbands or from some companion in arms. Altogether the Tombs Court at early morning presents a sickening, humiliating sight. Among the many

AMUSING CASES

brought to the court yesterday was a woman named Mary Ann Scott. She was brought in during the noon recess by two stalwart officers from the Fifth precinct. Mary did not come up smiling. She was wriggling, yelling and swearing, and giving the two guardians of the peace as much as they could desire to get her along to the pen. She is not an untidy-looking woman, and has little of the slattern in her appearance. When she finally entered the box she jumped up on one of the wooden forms and commenced abusing the officers in fierce style, declaring that they had broken her arm. She "opened" on them with such a fierce tirade that she actually foamed at the mouth. "Oh," she cried, "you dirty ——, you want to kill me; you want to kill me by degrees. Ye can't do it. I'm coming to this Tombs twenty-three years and ye can't kill me. Look at the poor arm where they tried to break it three times. And look at me other hand where he bit it. Johnny (to Judge Hogan's clerk) look at me arm. Johnny, will I sing you a little song? Yes, I'll sing a little song—Oh! once I was happy, but now I'm—(here she broke down)—I'm getting old." Jumping to the side of the box she said, "Give me a drink of water and I'll sing you a nice little song."

A drink of water was handed her. Taking the tin cup in her hand she said, "Well, here's God bless us, and God damn the peelers, the dirty ——." The water hissed down her throat, after which she resumed her

SPREE AND SONG.

"What do you think, Johnny. They put me in a cart. They wanted to call a dung cart, but I wouldn't have it, and they had to get an express wagon—a great big express wagon. Then two able-bodied peelers to take me, poor old Mary Ann Scott, a played out ould woman, forty-three years of age, damn ye. When ye were toasting yer shins in Ireland I was working hard in Blackwell's Island making the buttons for your coats, ye dirty ——.

Oh, here's the rocky road,
The road that leads to Dublin;
Here's the rocky road—
Oh, bring me back the man I love."

This she sang through in maudlin style, but giving evidences of having once had a good, vigorous voice. "Oh, you dirty, thieving ——; blast ye, I'll pick the goose that 'il nibble the grass over ye'r rotten bones, ye dirty ——"

This fearful tirade was enjoyed by the crowds in the court room, who were waiting for the Judge's return. Two miserable looking wretches of men who came under the denomination "bummers," were brought in and placed in the male section of the cage, near where Mary Ann was standing haranguing the crowd. In vain did the Court officers insist on the woman remaining quiet. As soon as they threatened to send her down stairs without waiting for the Judge, she would sit down and sob about her "poor arm" that the peelers had tried to break. This was interrupted by the entrance of a large sized police officer with a poor, timid-looking inebriate. "Oh, hell!" cried out Mary Ann to the officer; "you're a fine man, you are. Were you out yesterday? Are you an Irishman, handsome? I think you are. You ought a been out; there was nobody but Dutchmen out on that parade." Then turning to the new comer, in the box, she says, "Missis, what did you do?" This was asked in such a peculiar style—she standing on the bench and leaning over to the timid one. "I got drunk," was the meek reply.

"Drunk! You got drunk! You ought to be ashamed of yourself to get drunk. Did your husband send you here, ma'am?"

"Oh, no; he'd be very sorry to do that."

"He would, would he—he'd be very sorry. Well, you ought to be ashamed of yourself to get drunk and come here. This is no place for drunken people."

This was received with another round of laughter, whereupon Mary Ann lifted her skirt coquettishly with one hand and stepped across from form to form, with the remark, "A person would think this was the Bowery Tuee-atur." Thus she went on, alternately singing, calling down imprecations on the peelers and calling for somebody to sing "Brennan on the Moor," until it was found necessary to have her removed to the cells. She agreed to go quietly with any of the Court officers provided they would not put a hand on her, but she positively refused to go with the officers who had arrested her, and had, as she said, "tried to break her arm."

OTHER CURIOUS SPECIMENS

of humanity were brought in from time to time. The majority of those brought in were females and they were generally possessed of good lungs and bad tongues and gave the officers "pieces of their mind" in no choice language. A miserable specimen of a thorough African was brought up for being drunk. He was naturally one of the blackest and most stupid-looking "man and brother" that could be met with. He had evidently been working in flour, for his face below his forehead was whitened in such a peculiar way as to make his face look like a caricature cut on a cocoanut shed and then dipped in flour. He was very drunk and was accordingly sent below.

PICKPOCKETS

had undoubtedly a lively time at the reception on Tuesday, and many, perhaps, escaped. The detectives under Captain Irving, however, did some good work, for, under the orders of their chief, they "ran in" every suspicious character they came across in the crowds. Among these was old "General" Greenthal, a Hebrew of some fifty years of age, a well known expert. Charles Har