THE COURTS.

Interesting Proceedings in the New York and Brooklyn Courts.

The Erie Litigations Still in Court—Libel in Admiralty—Callender, the Bank Examiner, Held for Trial—Alleged Fraudulent Bankruptcy—A Post Office Case—Mutiny at Sea—Seizure of Illicit Whiskey—Business of the General Sessions.

UNITED STATES CIRCUIT COURT.

The Erie Litigation.

Yesterday Judge Blatchford rendered a brief decision in the case of the Erie Railway Company vs. Heath and Raphael, to the effect that the prayer of the cross bill for a substitution of service of the subpœna upon the solicitors of the defendants must be denied.

A Custom House Suit—Sheridan Shook in Court.

Judge Shipman sat yesterday and proceeded with the case of Frederick J. Tinkham vs. Sheridan Shook. The action is brought against Sheridan Shook, ex-Collector of the Thirty-second district, to recover the value of a quantity of whiskey, about 262 barrels, worth $15,000 or thereabouts, which was removed, as alleged, from the Fourth Collection district, at the time Collector Bailey had charge of it, to the Thirty-second district, where the whiskey was to be entered in bond. The allegation of the plaintiff is that the whiskey was removed from boat, not in the name of the plaintiff, but in that of one Simon Frank, and that this was permitted by Mr. Shook in his official capacity. The facts are of a very complicated character. The defence of Mr. Shook is a general denial of the statements set forth in the complaint. Decision reserved.

UNITED STATES DISTRICT COURT—IN ADMIRALTY.

Yesterday, before Judge Blatchford, in the case of J. H. Millard vs. John F. J. Lockwood, the libel was dismissed, with costs, by default.

UNITED STATES COMMISSIONERS' COURT.

Charles Callender, the Bank Examiner, Held to Await the Action of the Grand Jury.

Before Commissioner Osborn.

The United States vs. Charles Callender.—The defendant, who had been charged with having taken bribes for the purpose of influencing his official action as a bank examiner in reference to the affairs and condition of the Ocean National Bank, was held yesterday by the Commissioner to await the action of the Grand Jury. The Commissioner said that, as he had decided on this course, he had not deemed it necessary to deliver an opinion in writing, nor would he express his views at length on the question. He would merely say that the evidence in this case and the surrounding circumstances were of such a nature as to render it obligatory upon him in the discharge of his duty as a committing magistrate to have them passed upon by the Grand Jury. It would be for the Grand Jury to say how much faith they put in that evidence, in order to arrive at the motives of the defendant, as set forth in the affidavits. It might be that the Commissioner erred in sending this case before the Grand Jury on the evidence commented on by counsel for defendant; but by transferring the case to them the facts would be more particularly shown. He believed that the surrounding circumstances justified him in the decision at which he had now arrived. Bail for the defendant would be retained the same as that already given. This bail is $20,000.

Alleged Fraudulent Bankruptcy.

Before Commissioner Shields.

The United States vs. Samuel Stein.—The defendant was held in $2,500 bail for examination on a charge of having committed fraudulent acts of bankruptcy, for the purpose, as alleged, of cheating his creditors.

Alleged Embezzlement of Letters in the Post Office.

Before Commissioner Betts.

The United States vs. James J. Reilly.—The defendant was held in $5,000 bail for examination on a charge of embezzling, in the Post Office, letters with which he was entrusted. Mr. Reilly has been twenty-five years in the Post Office. He has borne an excellent character, and he declares that this charge on examination will turn out to be entirely unfounded, as it has, he says, arisen from a misconception of the facts. A word or two in reference to these Post Office cases may not be out of place. There is no doubt that the purloining of letters has been a sort of official mania in the Post Office, but there is a fact connected with it that ought not to escape public notice. Persons employed in the Post Office have had "jobs put up" on them by jealous and hostile rivals. A case of this kind occupied the attention of the Court a few days since. A young man was charged with having stolen two letters from one of the stations where he had been employed. The evidence for the prosecution was that the accused was seen by the superintendent to take two letters from a box, put them in his cap and carry them away; and that on two former occasions the accused, having been suspected of stealing letters, was searched, but nothing to impeach his character for integrity was found upon him. If the accused had really taken the first letters, why did not the superintendent arrest him with the evidence of guilt upon him? It further appeared that the accused and the superintendent who made the charge had been applicants for the same office; and the inference raised on the trial was that the charge was got up simply for the purpose of preventing the accused from obtaining the appointment. The "drop letter" system was referred to in the course of that examination, and a hint was thrown out that vicious and malignant men in the Post Office are in the habit of dropping letters into the pockets of employes against whom they entertain a spite, in the hope that they may be caught with the letters upon them; and that in consequence of this villanous trick officials are obliged, while at work in the department, to wear coats without pockets.

It is to be hoped that this last case of the "decoy duck" business, in which a respectable man of over twenty-five years' most honest service in the Post Office is "hooked" as the victim, may be tried before Judge Shipman, who a few years ago, on the same bench over which he now again temporarily presides, dee ared that the "decoy duck" system of entrapping poor officials in the government service was the most dangerous piece of malignancy, political or private, that ever existed since the days of the *auto de fé* and Spanish Inquisition.

Mutiny on Board a Prussian Vessel.

Oscar Apple and four other seamen of the Prussian ship Bertha, who were charged with having mutined, and who have been examined before Judge Scott, have been sent by Commissioner Osborn to the German Consul at this port, leaving it in the discretion of that official to dispose of the men as he may think proper. If they cannot be safely kept on board the vessel until she is ready to start on her return voyage, it is within the power of the Consul to have the men locked up, till the expiration of that time, in Ludlow Street Prison.

Seizure of Illicit Whiskey.

Five barrels of whiskey, alleged to be illicit and to have come from Irishtown district in Brooklyn, were seized at Wall street ferry on Tuesday night by Revenue Officer Patrick Mack. The whiskey was on a cart at the time of its seizure, and a boy who was driving the cart made off as fast as he could when he saw the officer approaching. The goods were removed to the United States marshal's office yesterday and a suit will be an once instituted for their condemnation.

SUPREME COURT—TRIAL TERM—PART 2.

The Yorkville Police Justiceship.

Before Judge Brady.

Murray vs. Conlter.—This case continues to drag its slow length along, and the court room is still as crowded as ever. Sveral additional witnesses were yesterday called for the defence, but nothing new or interesting was elicited. It is believed that it will take fully another week to finish the trial.

SUPREME COURT—CHAMBERS.

Discharge from the House of Refuge.

Before Judge Barrett.

In re Rachel Findley.—The relator was sent to the House of Refuge by Judge Kelley as a vagrant. Abe H. Hummell asked her discharge, on the ground that no record of the conviction had been filed with the Clerk of the Court of General Sessions, as required by law. He cited various authorities bearing upon various aspects of the case. The application was resisted by counsel for the House of Refuge, and at the conclusion of the argument the Judge told the lawyers to submit their points and he would render an early decision.

Decisions.

Clark vs. Akerly.—Motion granted.

Griswold et al. vs. McNally et al.—Injunction dissolved, with $10 costs.

Jones vs. Lawrence et al.—Motion granted, except as to the fine.

Pratt et al. vs. Freleigh.—Attachment granted, unless defendant pays $10 costs of this motion within five days, and submit to examination.

Kearney vs. The Washoe Tool Company.—Report confirmed and order granted.

The Ansonia Brass and Copper Company vs. Alfred Buss et al.—Motion denied.

Susan F. Rice, Administratrix, vs. William B. Hollister et al.—Motion granted.

Jacob Weeks vs. Auclande M. De Lavalette.—Judgment ordered, with reference to Hon. Josiah Sutherland to refl. Extra allowance of 2½ per cent granted.

Winlock vs. Roe et al.—Memorandum for counsel.

Booth et al. vs. Winkle.—Motion granted.

Smith et al. vs. Washington Life Insurance Company.—Same.

Runkle vs. Morton.—Same.

Brown vs. Fisher.—Same.

Comstock vs. Clurg.—Same.

SUPERIOR COURT—SPECIAL TERM.

Decisions.

By Judge Barlow.

Koch vs. Werder.—Order granted.

Underwood vs. Erie Railway Company.—Same.

Thurman vs. Wicks.—Same.

Holt vs. Blackhurst.—Motion denied, with $10 costs.

MARINE COURT.

Action for Damages.

Before Judge Gross.

Sophie Meyer vs. William Rau.—This action was brought to recover damages for injuries received at the hands of the defendant, the plaintiff laying her claim at $10,000. It appeared that on the night of the 24th of April, 1868, the defendant entered the premises of the plaintiff, where her husband and her son, a little boy nine years old, were sitting. Shortly after the defendant entered he began to upbraid the plaintiff on account of some epithets he alleged she had used towards his wife, and while in the heat of debate struck her upon the face, knocked her down, kicked her in the abdomen, from the effects of which she lost eight teeth, and suffered other bodily injuries. The plaintiff's testimony was corroborated by her husband and little son. The husband testified that he ordered the defendant to leave his premises, and that when he went to open the door to show him out he was seized by the throat by a man who was standing outside, and thrust into a dark room and there held while the defendant committed the assault and battery on the plaintiff. The little boy testified, substantially as the father and mother did.

The defence was to the effect that the defendant went to remonstrate with the plaintiff's husband as to his wife's conduct, and while trying to reconcile matters the plaintiff struck him with a footstool and continued beating him, while her husband stood at his door shouting "Police!" which had the effect of bringing in a neighbor of the defendant, who thrust the plaintiff's husband into the room for the purpose of allowing defendant to make his escape. When the testimony was closed Judge Gross delivered a very lucid charge on the law appertaining to assault and battery, and submitted the facts to the jury. After a short deliberation the jury rendered a verdict for the plaintiff in the sum of $650.

MARINE COURT—PART 3.

Decisions.

By Judge Joachimsen.

Briggs vs. Fleischmann.—Judgment of nonsuit on trial and for defendant for costs and $25 allowance.

Ferris vs. McDevett.—Action for slander. Verdict for plaintiff, $50. Proceedings stayed for motion for new trial.

Kennedy vs. Sullivan.—Judgment for plaintiff for $576 98 and costs and $25 allowance.

Starkweather vs. McKinley.—Motion to set aside judgment granted. Memoranda on papers.

Bogardus vs. Boyd.—Judgment for plaintiff for $112 55 and costs and $15 allowance.

Phelps vs. Ryan.—Judgment for plaintiff for $129 15 and costs.

Griffin vs. Raskosky.—Judgment for plaintiff for $647 and costs.

COURT OF GENERAL SESSIONS.

Before Recorder Hackett.

The entire session of this Court was occupied yesterday in the trial of William Marx, charged with an assault upon a little girl named Louisa Muder, on the 24th of November. This case was tried in the Oyer and Terminer, in December, when the jury disagreed. The case will be concluded to-day.

BURGLARY AND LARCENY.

James Delaney, charged with stealing $3 from the person of Patrick Hastings, on the 23d of December, pleaded guilty, and was sent to the State Prison for two years and six months.

Michael O'Brien was found guilty of an attempt at burglary in the third degree, having been caught in the act of endeavoring to enter the poultry store of Patrick O'Hara, 992 Second avenue, on the 23d of December. As O'Brien was a bad boy the Recorder sent him to the State Prison for eighteen months.

Frederick Jackson (a boy) pleaded guilty to stealing an overcoat, on the 18th of December, from James J. Coonan. The youth stated that his parents were in Canada. His Honor sent him to the House of Refuge.

COURT CALENDARS—THIS DAY.

UNITED STATES DISTRICT COURT—IN ADMIRALTY.—Nos. 43, 46, 52, 53, 54, 55, 56, 57, 58.

SUPREME COURT—CHAMBERS—Held by Judge Barrett.—Nos. 9, 59, 64, 72½, 76, 77, 85, 87, 92, 97, 100, 110, 118, 119, 146, 160.

SUPREME COURT—GENERAL TERM—Held by Judges Ingraham, Barnard and Cardozo.—Nos. 207, 212, 215, 216, 218, 221, 222, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 245, 246. Part 1—Held by Judge Van Brunt.—Nos. 467, 765, 937, 281, 965, 997, 1001, 1003, 1005, 1009, 1009½, 1011, 1013, 1015, 1021, 1023, 1026½, 1029, 1031, 1033.

SUPERIOR COURT—TRIAL TERM—Part 1—Held by Judge Freedman.—Nos. 901, 903, 905, 907, 909, 911, 585, 979, 805, 1283, 1293, 797, 1377, 1379, 1381, 1389, 1391, 1393, 1395, 1397, 1399. Part 2.—Held by Judge Monell.—Nos. 1068, 904, 906, 908, 910, 1039, 798, 763, 832, 888, 950, 1170, 848, 874.

COURT OF COMMON PLEAS—TRIAL TERM—Part 1—Held by Judge Larremore.—Case on.

MARINE COURT—TRIAL TERM—Part 1—Held by Judge Spaulding.—Nos. 7658, 7667, 6485, 6699, 6879, 6885, 7774, 6690, 7419, 7423, 7582, 7644, 7673, 8238, 8510. Part 2—Held by Judge Gross.—Nos. 7690, 7697, 7698, 7528, 7555, 8125, 7692, 7697, 7782, 7783, 7786, 7789, 7790. Part 3—Held by Judge Joachimsen.—Nos. 7492, 8618, 8528, 7653, 8421, 8467, 8540, 8541, 8569, 8613, 8614, 8615, 8616, 8617, 8619, 8620.

BROOKLYN COURTS.

UNITED STATES DISTRICT COURT.

The Defunct Central Bank—Decision of Judge Benedict as to the Jurisdiction of State Courts in Bankruptcy Cases.

In the Matter of the Central Bank.—Judge Benedict yesterday rendered the following decision in this case:—

This case came before me on a petition filed on behalf of the Chatham National Bank, in which they seek to obtain from the Court an order restraining the assignee in bankruptcy of the Central bank from prosecuting, in the Supreme Court of this State, a certain action of law which he has there commenced against the petitioners to recover of them the amount of a payment of money which the assignee claims to have been a preferential payment, made contrary to the provisions of the thirty-ninth section of the Bankrupt act, and which he therefore claims to recover back by virtue of the provisions of the Bankrupt act. The application is based upon the ground that the State tribunals are without jurisdiction to entertain such an action as the one referred to. I do not so understand the law. The provision of the second chapter of the Bankrupt act does indeed confer upon the District and Circuit Courts jurisdiction of certain actions, but I have never supposed the effect of that section to be to oust the jurisdiction of the State Courts. Moreover, in such a case as the one under consideration the Bankrupt act is the law of the State Courts as well as of the national tribunals, and if by virtue of that act the State Court has no jurisdiction in the action thus brought against the petitioners it will so decide upon proper plea. I think the question of jurisdiction should be there decided, and that no reason appears for the exercising of the restraining power of this Court over the assignee, to compel him in a case like this to resort to the national tribunals instead of those of the State.

An Expressman Recovers Damages for Being Excluded from a Steamboat.

Before Judge Benedict.

David T. Barney brought an action against the steamboat D. R. Martin, her tackle, &c., for being excluded from that vessel by the officers. The D. R. Martin plies between New York and Huntington, L. I., and the plaintiff—an expressman—does business between those places. He paid his own fare and for his freight; but objection was made by the officer to his negotiating for business on the boat. They put him off and refused to allow him transportation. He, therefore, instituted this action.

The case has previously been reported in the HERALD. Yesterday Judge Benedict rendered a decision awarding the plaintiff $1,000 damages.

UNITED STATES CIRCUIT COURT.

The January Calendar.

Before Judge Benedict.

The calendar of the United States Circuit Court was called yesterday; also the calendar of the District Court. The trials of cases were set down for days agreed upon by counsel.

Counterfeit Money.

John Becker and John Williams were indicted on the charge of passing counterfeit money. The cases were set down for Monday next. No cases being ready for trial the jury in attendance was discharged until the 22d inst.

SUPREME COURT—CIRCUIT.

A Run Over Casualty—Heavy Damages Claimed.

Before Judge Tappen.

William H. Wilson vs. William Richardson.—The defendant in this case is Alderman of the Twenty-second ward and proprietor of the Atlantic Avenue and Fifth Avenue Railroad. The plaintiff brought suit against him to recover damages in the sum of $30,000, for injuries sustained by being run over by one of the cars in Furman street, on the night of December 15, 1870. There was a high wind at the time, and as plaintiff was returning home through Furman street his hat was blown off. He ran for it, and in so doing tripped on the track and fell between the rails. Car No. 86 came along rapidly (as he alleged) and before he could rise, ran over him, the wheels fracturing one of his legs and lacerating his thigh. He alleged that there was no light on the car and that the driver was not attending to his business. The defence denied negligence, and the testimony showed that there were lights on the car; that the driver did not see Wilson until the horses shied at him when he was on the rail and that the car was then stopped as quickly as possible.

The jury found for defendant.

Suit for Alleged Malicious Prosecution.

James T. Tapscott vs. John Clancy.—The plaintiff, a New York merchant, does business in New York and lives in Flatbush L. I. On the 16th of November last he was arrested on a warrant issued to defendant, who charged him with stealing four cows. Plaintiff was taken before Justice Seaman, at East New York, and subsequently discharged, it appearing that one of his employés had locked up temporarily in a coal yard a number of defendant's cattle, which were trespassing on his land. Mr. Tapscott now sues to recover damage for malicious prosecution.

SUPREME COURT—SPECIAL TERM.

Decision.

Before Judge Pratt.

Central Bank of Brooklyn vs. Charles G. Patterson.—Motion to satisfy judgment of record denied, with leave to renew on proof of payment.

CITY COURT—TRIAL TERM.

The Westfield Disaster—Another Suit for Damages.

Before Judge Neilson.

Margaret Landers, Administratrix, &c., vs. The Staten Island Railroad Company.—This is one of the many suits growing out of the Westfield disaster. Plaintiff claims $5,000 damages for the loss of her husband, one of the victims of the disaster. He was aboard the boat with his wife and child, and when the explosion took place he and his child were blown into the water. Plaintiff's husband was killed, but the child fell among a quantity of logs and was rescued.

The company offer the defence of the Sunday law, as they did on the two trials of the suit of Mrs. Madden when the juries disagreed.

The present trial is not yet concluded.

BROOKLYN COURT CALENDAR—THIS DAY.

SUPREME COURT—CIRCUIT.—Nos. 135, 329, 325, 326, 327, 328, 330, 331, 332, 333, 334, 246, 97, 129, 132, 46, 143, 147, 148, 154, 160, 174, 176, 189.

CITY COURT.—Nos. 177, 41, 112, 244, 256, 259, 184, 176, 207, 220, 228, 270, 271, 272, 273, 274, 275, 276, 278 to 290 inclusive.

PRIVATE PIERS, SLIPS AND BULKHEADS.

The Dock Commissioners and Their Proposed Improvements of Our City Water Fronts.

Running a Muck of Private Property Owners and What the Latter Are Going to Do About It—Appeal to the Supreme Court to Have the Matter Set Right—Proceedings Before Judge Barrett.

When the Dock Commission was created there was general expectation that something would be speedily done towards tearing down our present old, tumbling, rickety and dangerous piers and bulkheads, and erecting in their stead others of better material, of less unsightliness, and possessing greater powers of endurance and certainly of safety. Some such latent intentions may exist in the minds of the Commissioners, although thus far they have only given feeble manifestation thereof. They have done one thing certain which shows that they are not altogether deficient in energy, and that is, getting into the Courts—a doubtful proceeding at the best. This was some time ago, and the facts were fully published in these columns at the time. It came about, as will be remembered, in this way:—In their circuit of preliminary investigation they found certain piers and bulkheads, the property of private owners, covered with sheds and the like. Believing themselves fully empowered to do so, they ordered the removal of these pier excrescences. The owners thought they had some rights in the premises. They remonstrated against the action of the Commissioners, and the latter insisted in prosecuting their work of demolition and removal, snapping defiantly their fingers in the faces of the pier owners, and parading as their badge of authority the act of the Legislature under which they were appointed. Only one course remained for the property owners to pursue—an appeal to the Courts. Application was accordingly made to the Supreme Court for a temporary

INJUNCTION AGAINST THE DOCK COMMISSIONERS.

This application was granted, and yesterday was set down for hearing the argument as to whether the same should be made permanent or otherwise. The case came up before Judge Barrett, sitting in Supreme Court, Chambers, and it patience in a judge is commendable under any circumstances, he certainly deserves great credit for the patience he showed in listening to the tediously prolonged affidavits and their surplusage of verolage, reaching in this case the extremest limit of legal ingenuity. In this case there are five complainants, though these are said to be but the beginning of the beginning of those whose rights, it is claimed, are involved in the issue of the present litigation. A strong array of legal talent is engaged, Mr. Christopher Fine appearing for two of the complainants, Messrs. Mann and Parsons for two, and Mr. A. J. Lawrence, Jr., for one. Opposed to these and contesting the rights of the Dock Commissioners were Mr. Richard O'Gorman, Counsel to the Corporation; Mr. Henry B. Anderson and Mr. Calvin. Also present and evidently taking a deep interest in the proceedings were Messrs. G. Agnew, Wilson G. Hunt and J. Granville Kane, of the Dock Commission; Messrs. Cohen and Stacom, alleged owners of buildings on the bulkhead adjoining the Hoboken ferry, and Mr. Coffee, owning barges stationed there. Mr. John E. Parsons, representing these parties, recited the chapter which creates the Department of Docks, and especially the clauses limiting their powers as to vested rights to such interference as must be required for securing the stability and condition of the piers. The Board passed a resolution directing, with some exceptions, the removal of

BUILDINGS ON BULKHEADS AND PIERS

below Chambers street. The first named plaintiffs owned buildings erected on the bulkhead adjoining the Hoboken ferry, which they had leased from Mr. Stevens. The exception alluded to includes, among other things, the property west of Washington Market. The plaintiffs claim that, though not directly west, they are included within the recognized limits of West Washington Market, their buildings being used for market purposes; that the purpose of the Dock Commission was to create a new system of docks, and that for this purpose it must be some years before they have any occasion, according to their own plans, to interfere with their own occupation. They also claim that under the resolution of the Common Council of 1854 they are expressly authorized to keep these buildings on the bulkhead, that resolution being passed on account of the uselessness by reason of the adjoining ferry slip of this bulkhead for ordinary mercantile purposes. As to Coffee, he had barges at the bulkhead by permission of the Captain of the Port, an authority paramount, except where the preservation and stability of the piers themselves was concerned.

Mr. Calvin, for the Dock Commissioners, presented the laws dedicating the piers and bulkheads to

COMMERCIAL PURPOSES,

and forbidding any obstruction to those purposes, and presented affidavits showing that the buildings were such obstructions; and as to Coffee's case, that his barge was used not for commercial purposes, but as an oyster saloon, while the slip could be used by and is needed for the accommodation of canal boats.

Mr. ABRAHAM R. LAWRENCE, Jr., presented the papers in the case of Pech & Wandell, dealers in building materials, occupying the bulkhead at the foot of Spring street for their business, under a lease from the city and assignments of leases of neighboring bulkheads. He claimed that they obtained from the Superintendent of Buildings, under approval of the Supreme Court, permission to erect a building on the bulkhead, and that that building was and is necessary to their business, and that its removal would cause them irreparable injury and prevent their fulfilling the contracts they entered into before they were notified to remove it.

Mr. CALVIN urged that no one had the right of leasing the wharves, except to receive wharfage and receive and remove goods, and that the building is an obstruction to commerce and a nuisance. The lease was a lease to establish a ferry, and this was all the power the Comptroller could grant by law, and that the building and building materials encumber West street Rech, leaving at one point only fourteen feet between the railroad and the buildings, and no westerly sidewalk.

Next in order was taken up the case of Messrs. Williams & Morrison, for whom Mr. Fine appeared. These parties occupy the slips and bulkhead between piers 4 and 5, North River. Mr. Fine began with reading their affidavits, going back in their recital to

OLD TIME TRANSACTIONS

of certain memorable character. They claim to own this property.

THE PROPERTY,

It is claimed, originally belonged to the Dutch West India Company and remained in their possession until the province of New York became a dominion of the Crown of England. On the 19th of August, 1697, the then Governor, Earl Clarendon, demised the said farm to Trinity church for a period of seven years. On the 5th of May, 1702, the said demise was continued, and on the 29th of November, 1705, the said farm was granted in fee by Queen Anne to Trinity church, the corporate title of the church then being "The Proctor and Inhabitants of the city of New York in communion of the Church of England as by law established." It was at this time that the name Queen's Farm was given to the property. The farm was bounded on the east partly by Broadway, partly by the common and partly by the swamp, and on the west by Hudson River. In 1738 the southern boundary of the farm was established by agreement between the Trinity church and Derrick Dey, who owned lands adjacent at Fulton street, and the northern boundary was established at or near the present Canal street by argument with Mr. Lispenard, who then owned the lands on the northern boundary. On the 26th of March, 1788, the State Legislature curtailed the name of the Trinity church corporation to its present corporate name. The upland of the premises in question lies between Franklin and Harrison streets, on the North River, and is embraced in the Trinity church property above described. After going through this preliminary history of the property there next follows an account of the sale of that portion claimed by the complainants by Trinity church, on January 1, 1796, and tracing the subsequent changes of ownership down to present alleged owners. In conclusion the complainants set forth that they are the owners in fee of the property, and that the city has no right to meddle with their right of possession.

COMING DOWN TO MODERN TIMES.

Mr. CALVIN insisted, and read affidavits to verify his statements, that the complainants occupied two entire slips, and that, as at present employed, they are an obstruction to commerce and a public nuisance. He urged, further, that the grantors specified that they should be free to public commerce, and he cited the grants of 1803, and in connection with the same called attention to special acts of the Legislature passed respectively in 1801 and 1813.

Mr. FINE urged that his clients were owners in fee of the property in question, and that the Dock Commissioners were seeking to deprive them of their rights in the same. They had a barge there for the receipt and delivery of hay, and this barge was there with the consent of the Harbor Master. He said that they had expended some fifty thousand dollars on the property, and up to the present time had always promptly complied with all city ordinances referring to the same. In the course of his remarks he alluded to notices served on them as owners by the city to dredge the slips and repair the bulkhead which was sought now to be taken from them. No offer had been made to pay them for the property, and it was not used, he claimed, in a way to make it a public nuisance.

Mr. CALVIN in reply, said that the Harbor Master had no right to authorize a nuisance. The barge was a mere barn located in the slip, and was a great obstruction to commerce, preventing the use of the slip for any other purpose. He claimed, in addition, that the continuance of the barge would prevent the proposed widening of West street.

A DUMPING GROUND.

The last in the list of complaints are Messrs. Black & Allen, who moor their dumping boat between piers 37 and 38 North River. Mr. Fine urged that these parties were lessees of the slip they occupy from the owners and in fee; that they were under heavy contracts to deliver dirt and other material deposited there in New Jersey, and that they would be subjected to great pecuniary loss if compelled to move away.

Mr. CALVIN read affidavits descriptive of the place. He also insisted that the piers were obstructed by two railroad tracks, and urged its removal, if for no other purpose to rid the neighborhood of the disagreeable aroma it germinated.

The argument upon the papers submitted will be heard this morning.

SALES AT AUCTION.

ALLEN B. MINER, AUCTIONEER.
BY ALLEN B. MINER & BROTHERS,
late
HENRY H. LEEDS & MINER,
(Established 1840).
SATURDAY, JANUARY 20,
at 10½ o'clock, at our salerooms,
95 Chambers and 77 Reade streets,
GENTEEL HOUSEHOLD FURNITURE, MIRRORS, CARPETS, &c.
Removed for convenience of sale. Details in time.

AT BANKRUPT SALE—CROCKERY, &c. THURSDAY, Jan. 18, at 71 Barclay street, will be sold at auction, 30 Gold Band China Tea Sets, 20 White China Tea Sets, 10 crates Maddocks & Meakin's White Granite, damaged, 10 crates Brote White Granite, 8 crates general assortment White Granite, 30 barrels cheap Goblets and Tumblers. Also all Fixtures of the store, 71 Barclay street. THURSDAY, 18th, at ten o'clock.

AUCTION SALE OF FIRST CLASS FURNITURE. The largest sale at the season. Over $25,000 worth and over 500 lots magnificent Household Furniture at public auction, this (THURSDAY) morning, January 18, at 11 o'clock, at the elegant private residence of W. P. Richards, Esq., 252 West Forty-second street, one block west of Broadway, near Seventh avenue. Costly velvet Brussels Carpets, magnificent rosewood 7¼ octave Pianoforte, cost $800; rich Parlor Suite, Marie Antoinette, Pompadour styles, covered with satin; Curtains, Mirrors, Bronzes, Paintings, Vases, Clocks, Etageres, Cabinets, gilded and inlaid Tables, rosewood and walnut Drawing Room Suits, covered with blue and gold and crimson and gold satin brocatel, rosewood and walnut Chamber Suits, Mattresses, Bedding, Turkish Chairs, Lounges, Sofas, Rockers, French walnut Sideboard, Extension Table, Dining Chairs, Library Furniture, Glass, China, Silverware, Servants' Furniture, &c. E. NICHOLS, Auctioneer. Responsible men in attendance to cart or pack goods for purchasers.

AUCTION SALE—HORSES, &c., AT WALDRON & COOKE'S down town horse mart and salerooms, corner New church, Cedar and Liberty streets, THIS DAY, at 12 o'clock. One bay Horse, 16 hands, 7 years, sound, kind and true. One bay Mare, 15 hands, 8 years, sound, kind and true. One bay Horse, 15½ hands, 6 years, superior driver, single and double. One pair 15 hand Horses; have been used on a milk route; are warranted kind, gentle and true. Two heavy truck Horses, sold by order of administrator. One sorrel Mare, 16 hands, kind, gentle, true and sound. Other Horses, Wagons, Harness, Robes, Blankets.

AUCTION, AUCTION, AUCTION. Pianoforte, fine Oil Paintings, Bronzes, &c., THIS (Thursday) MORNING, commencing at 10½ o'clock. Over $25,000 worth Household Furniture. LUKE FITZGERALD, Auctioneer, will sell at 120 West 23d street, near 6th avenue, magnificent Pianoforte, Parlor Suits, Carpets, Tables, Mirrors, Bronzes, Oil Paintings, Bedroom Suits, in rosewood and walnut; Mattresses and Spring Beds, Pillows, &c.; Dining Room Furniture. Other articles too numerous to mention. Sale positive in lots to suit purchasers. Goods boxed and shipped, city or country.

A.—ART SALE. AT JOHNSTON & VAN TASSELLS, 37 NASSAU STREET, NOW ON EXHIBITION, A SUPERB COLLECTION OF CHOICE EUROPEAN and American high cost Oil Paintings, consisting of a consignment of excellent examples of the French, Belgian, Flemish and Dusseldorf schools, recently received by a large importing house in this city, together with many very desirable Pictures from our most favorite NEW YORK ARTISTS. They will be sold this day and Friday, Jan. 18 and 19, without reserve, commencing each day at 12 o'clock. JOHNSTON & VAN TASSELL, Auctioneers.

AUGUSTE MARTINEZ & CO., AUCTIONEERS. Sale of the season, at the elegant private residence, 26 West Fifteenth street, near Fifth avenue, on THIS DAY (Thursday), at 10 o'clock, Magnificent Drawing Room Furniture, Paintings, Pianoforte, Bronzes, Rare Works of Art, valued $20,000. Superb Satin Drawing Room Furniture, Pompadour, Marie Antoinette styles, covered satin brocatel, reps; Marqueterie Cabinets, Tables, Bookcase, Bijouxes, Encoignures, Jardinieres, Cantoons, Paintings by eminent artists; rosewood Pianoforte, celebrated maker; Velvet medallion Carpets, Silverware, Vases, Curtains, Mirrors; rosewood, walnut Bureaus, Bedsteads, Wardrobes; Mattresses, extension Table, Buffet, Chinaware, Linen, Glassware; Basement, Kitchen Furniture. Sale peremptory to highest bidder.

ALBERT B. WALDRON, AUCTIONEER, Horse Mart and General Auction Salesrooms, 168 Liberty, 148, 149, 151 Cedar, 38, 44, 46 New Church streets. THIS DAY, at 12 o'clock. Four head good work Horses, Express Wagon, Horse, Wagon and Harness, Robes, Blankets, sleigh, &c., &c. THIS DAY, at 10½ o'clock, genteel Household Furniture, at private residence, 30 East Twenty-first street, consisting of two walnut Parlor Suits, walnut and mahogany Chamber Furniture, walnut Extension Table and 12 Chairs, Brussels and Ingrain Carpets, mahogany Bureaus and large walnut Wardrobes, &c., &c. On FRIDAY, at 10½ o'clock, at Salesrooms, 168 Liberty street, Contents of a large store, consisting of Boots and Shoes, Hats and Caps, ready made Clothing, Suspenders, Buttons, Carpets, Oilcloth, Matting, Rugs, Robes, Perfumery, Window Shades, Crinkolettes, Skates, Wines and Liquors, &c., &c. On SATURDAY, Furniture, at 168 Liberty street.

AUCTION SALE OF ELEGANT FIRST CLASS HOUSEHOLD Furniture at private residence, 134 West Twenty-sixth street this day, commencing at 10½ o'clock, comprising over 400 lots and $15,000 worth—Magnificent Household Furniture, Pianoforte 7¼ octave, Parlor Suits, latest styles, in genteel satin and silk reps, Bedroom Suits, Brussels Carpets, Mirrors, Bedding, Wardrobes, Bedsteads, Bureaus, Desks, Dining Room, Basement and Kitchen Furniture, Plated Cutlery, China, Crockery, &c., &c. HENRY ZINN, Auctioneer.

BY F. COLTON, AUCTIONEER.—LARGE SALE OF Household Furniture, Carpets, Mirrors, five Pianofortes, Counters, Glass Cases, Store Fixtures, Paintings, Bronzes, Strange Goods, &c., &c., this day (Thursday, January 18, at 10½ o'clock, at the auction rooms, 63 East Thirteenth street, near Broadway, a very large assortment of good Furniture, from a family about leaving the city. It will comprise every kind and description of Parlor, Dining Room, Bedroom and Basement Goods, Store Goods, Fixtures, &c., &c. Catalogues early this morning. F. COLTON will take this occasion to say to his friends and the public generally that he is now prepared to attend to the real estate business as auctioneer and agent for letting, renting, buying and selling, and attending to all the business pertaining to the agency. Office in same building, 53 East Thirteenth street.

BY M. DOUGHTY, AUCTIONEER. Will sell this day (Thursday), at 11 o'clock, at the salerooms, 59 Nassau street (near Fulton), a large and general assortment of fine Household Furniture, comprising Parlor and Chamber Suits, Wardrobes, Tables, Bedsteads, Mattresses, Bedding, Extension Tables, Carpets, Stoves, Mirrors, &c.

BY JOHN A. DUNN, AUCTIONEER. JOHN A. DUNN & CO., salesroom 233 Bowery, will sell, on Friday next, 19th inst., at 11 o'clock, at 299 Broome street, corner Norfolk, all and entire, the elegant Fixtures, Lease, Stock, &c., of that old established corner Liquor Store.

I. S. WEINBERGER, AUCTIONEER—SELLS THIS day (Thursday), Jan. 18, at 10½ o'clock, at 12 Bowery, Gold and Silver Watches, Jewelry, Fancy Goods, Satinets, Furs, Liquors, Wines, Champagnes, &c.; also Furniture.

JACOB BOGART, AUCTIONEER.—MARSHAL'S SALE. Grocery Store, this day, Jan. 18, at 10 o'clock, at 509 Seventh avenue, corner 37th st. The stock and fixtures of a Grocery Store, consisting of the usual variety of a retail grocery store. JOHN COUTRELL, Marshal.

JACOB BOGART, AUCTIONEER.—ON FRIDAY, Jan. 19, at 10 o'clock, at 707 Eighth avenue, Marshal's sale, the Stock and fixtures of a Grocery Store; Counters, Scales, Weights, Soap, Candles, Spices, Canned Fruit, Liquors, Groceries, two Horses, two sets Single Harness, two Grocers' Wagons, in good order, one iron safe, &c. JOHN COUTRELL, Marshal.

JOSEPH HEGEMAN & CO.—FRIDAY, JAN. 19, AT 10 A. M., at the salesrooms Willoughby street, corner of Pearl, Brooklyn—Good assortment of Parlor, Chamber and Dining Room Furniture, Bedding, Mirrors, Fancy Goods, China, Brussels and Ingrain Carpets. Also rosewood Pianos, Parlor Suits, &c.

M. DOUGHTY, AUCTIONEER—WILL SELL THIS day (Thursday) at 12 o'clock, the Lease, Fixtures, &c., of the Bar, Billiard and Oyster Saloon, 831 Sixth avenue; elegantly fitted up; 5 Tables; elegant bar, 4-pull pump; long case; will be sold peremptory to the highest bidder.

SALES AT AUCTION.

MR. IVES' MARBLES. 229 FIFTH AVENUE. Sale of Marble Statuary, comprising Busts, Groups, &c., by the celebrated sculptor, Mr. C. H. Ives (Rome). Now on exhibition daily from 10 A. M. to 5 P. M., and 8 P. M. to 10 P. M., at 229 Fifth avenue, second floor. To be sold at auction Thursday evening, January 25, at 8 o'clock, at the above rooms. GEO. A. LEAVITT & CO., Auctioneers.

MORTGAGE SALE.—S. HERMAN, AUCTIONEER, will sell this day, at 10 o'clock, at 579 Second avenue the contents and Fixtures of a Drug Store, consisting of Counter, Glass Case, Tables, a lot of Glass Jars, Bottles, &c.; also all the Shelvings. By order of LD. RINDSKOPF, City Marshal and Attorney for Mortgagee.

PAWNBROKER'S SALE.—WILLIAM S. INGRAHAM, 58 New Bowery, will sell this day, at 11 o'clock, 500 lots Men's and Women's Clothing, Remnants, Silk and other Dresses, Underclothing, Bedding, Furs, Coats, Pants, Vests, Boots, Shoes, &c. Order of Moss Brothers, 61 Catharine st.

PAWNBROKER'S SALE.—WOMEN'S CLOTHING.—This day, JAMES AGAR, Auctioneer, will sell at 59 New Bowery, 350 lots Dresses, Shawls, Furs, Undercloths, Sheets, Spreads, Blankets,