THE COURTS.

More About the Whiskey Ring—Others of the Indicted Give Bail—Alleged Bribery—Resisting a Revenue Officer—Charge of Stabbing on the High Seas—The Second Avenue Railroad in Court—Decisions—Business of the General Sessions.

UNITED STATES SUPREME COURT.

Alleged Fraud Against a Trustee in Missouri—Obtaining a Settlement with Heirs Through Misrepresentation—The Transfer of Preempted Lands in Iowa.

WASHINGTON, D. C., April 3, 1872.

No. 158. Hook et al. vs. Payne et al.—Appeal from the Circuit Court for Missouri.—This was a proceeding by the heirs of one Curtis, a resident of Missouri, the heirs being residents of Virginia, to make Hook, as Public Administrator of the county in which Curtis died, and his sureties, responsible for interest on moneys and mortgages of the estate, for which no account had been rendered, and for a balance of the estate which remained in his hands. It was alleged that Curtis died in 1861, and that in consequence of the distance between Missouri and Virginia, and of the circumstance of the war, the Virginia heirs were uninformed of the value of the estate, and that Hook came on to Virginia and represented the estate to be worth only about half its real value, and by means of such representation obtained a settlement with the heirs for the payment of half the amount coming to them. The decree was for the heirs, and it is here contended that the sureties on Hook's official bond are not liable to penalties against Hook as a defaulting trustee, and that the Court erred in its allowance of charges against Hook in the administration of the estate. J. B. Henderson for appellants; Glover and Shepley for appellees.

No. 157. Early et al. vs. Kellam—Appeal from the Circuit Court for the District of Iowa.—This was a proceeding to foreclose a mortgage given by one Johnson to the appellants on pre-empted lands before the issue of the patents therefor. The Court below held that under the twelfth section of the act of 1841 all transfers and assignments of the right secured by pre-emption prior to the issuing of the patent were null and void, and consequently that the mortgage in this case was of no effect. This question is presented here for final decision, and it is contended that it is a matter of history that throughout the Western States preemptors under this act have conveyed the lands entered by them before their patents have issued, and in all of these States immense tracts of the most valuable lands are held by such titles, and that until this decision no doubt was entertained of the validity of such conveyances. This Court, it is urged, will not adopt this new construction of the act, which will produce incalculable mischief, unless it be the only reasonable one. J. M. Woolworth for appellants; L. Trumbull for appellees.

UNITED STATES COMMISSIONERS' COURT.

The Whiskey Ring—Further Names of Persons Bailed.

Before Commissioner Shields.

The following persons appeared before Commissioner Shields yesterday and gave bail in $5,000 each to answer indictments charging them with participation in the alleged whiskey frauds:—

Michael J. Farrell—surety, John W. Day and Thomas O'Connor.

George D. Crary—surety, Gershon B. Smith.

Samuel Secor—surety, John Carr and William H. Higgins.

Nicholas Henri—surety, Joseph Henri and Andrew Leopeld.

Jacob Fuchs—surety, Nicholas Sauer and William Koertel.

Leopold Seidner—surety, Daniel Murray and Frederick Seidner.

Alleged Bribery.

Thomas O'Callaghan, who is indicted for having, on the 20th of September, 1867, while an officer of the Treasury Department, received a bribe of $5,000 for influencing him in conniving at the illegal removal of 30,000 gallons of distilled spirits, gave $5,000 bail, his surety being Benjamin F. Fairchild, who is one of the bondsmen of William M. Tweed.

William H. McCarthy is indicted for having, on the 1st of October, 1868, while acting as a general inspector of spirits, received a bribe of $100 to influence him for conniving at the illegal removal of forty gallons of distilled spirits from a distillery. Mr. McCarthy gave bail in $5,000 to answer, his surety being Patrick Sheehy.

Though there was at some periods of the day, quite a large attendance of persons in the Commissioner's office, everything went on nearly the same as usual—not much out of the regular routine of business. The clerks were kept busy with the preparation of bail bonds, and Commissioner Shields made the closest scrutiny into the solvency of the bail offered, examining the parties tendering themselves as such with the greatest particularity, reducing their statements to writing, carefully reading over the same to the persons proffering such statements, and then swearing them to the truth of the allegations therein contained. The Commissioner has deemed it necessary to be thus particular, seeing that hitherto the Court has been, in some instances, imposed upon by the givers of what is well known as "straw bail," individuals who, as sureties for other parties, swear that they are worth valuable real estate, when, in fact, they have not a cent in the world. So far it seems to be conceded that the bail tendered and accepted in relation to the "whiskey indictments" is unexceptionable.

With respect to the organization of the Grand Jury of the United States Circuit Court, it is proper to observe that that body, by whom the large batch of whiskey indictments have been found, is not now in existence. They were discharged by the Court last Saturday; and if the government intend to present more indictments of the same character they will have to summon a new Grand Jury. It seems now to be an admitted fact that at least one dead man has been indicted for alleged criminal participation in the doings of the whiskey ring.

A statement that the office of the United States District Attorney had been robbed of papers relating to the operations of the whiskey ring was published in a morning paper of yesterday. There is not the slightest truth in the report. How it originated it is difficult to say, except that, in the present state of excitement in regard to this legal raid upon supposed criminals, all kinds of unfrue and unreliable assertions are made; and this one is only a sample of the wild rumors that are being set afloat in the corridors of the United States Courts. Not one out of a hundred of these rumors turns out to be correct, and those who are acquainted with operations in the federal building pass by such canards, as they ought to be passed by, with the utmost indifference.

Bench warrants are now in the hands of deputy marshals for the arrest of those who have not voluntarily come in and given bail to appear and plead to the indictments.

Charge of Resisting a Revenue Officer.

The United States vs. Mathew Bohen.—The defendant had been accused of having resisted Robert Hunt, a revenue officer, in the discharge of his duty. It appeared on the evidence, to the satisfaction of the prosecution, that the defendant was entirely ignorant of Mr. Hunt's official position, and the Commissioner therefore discharged him.

Charge of Stabbing on the High Seas.

The United States vs. Charles Watson.—The defendant, who was a seaman on the American ship H. H. Wright, was charged with stabbing John Thompson on board that vessel in the Bay of Palermo. He was held in $3,000 for examination.

SUPREME COURT—CHAMBERS.

Injunction Against the Second Avenue Railroad Company.

A temporary injunction was granted yesterday by Judge Brady, of the Supreme Court, restraining the Second Avenue Railroad Company from laying a fourth track in Second avenue, between 128th street and the Harlem River. The injunction was asked for on the ground that by the laying of this additional track the entire carriageway on the east side of the avenue will be blocked. In granting the injunction was coupled the usual order to show cause why the same should not be permanent, so as to give the railroad people a chance to be heard on their side of the question.

Decisions.

By Judge Brady.

Lewis vs. Frend et al.—Motion granted.

Turka vs. Loughran et al.—Order granted.

In the Matter of Mary Ahwaty, a lunatic.—Report of referee confirmed.

SUPERIOR COURT—SPECIAL TERM.

Decisions.

By Judge McCunn.

Grant vs. McSicklen.—Order granted.

Journal of Commerce vs. Hallock.—Same.

Cramer vs. Lowenthal.—Motion to discharge from arrest granted.

By Judge Barlow.

Ashley vs. Wheelock.—Case settled.

COURT OF COMMON PLEAS.

Decisions.

By Judge Robinson.

Lowenstein vs. Babcock.—Judgment for plaintiff. Reference ordered to James C. Spencer, Esq., to assess damages.

Allen vs. Malcolm.—Extra allowance of $250. See memorandum.

Morrison vs. Favre.—Thomas H. Lowdon appointed receiver, after filing bond in $5,000, to be approved by a judge.

By Judge Loew.

Voorhis, receiver, vs. Garrison.—Motion, denied without costs.

COURT OF GENERAL SESSIONS.

Highway Robbery.

Before Gunning S. Bedford, City Judge.

The principal part of the session was occupied in the trial of a youth named John Dunn, who, in connection with three other young men, all of whom escaped, was indicted for robbery in the first degree. The complainant, Martin Nolan, testified that on the morning of the 7th of March, about fifteen minutes past two, he was returning alone from visiting a friend named Costello, and that while in Twenty-eighth street, between Third and Lexington avenues, four young men approached him. One of the party hit him with a slungshot and knocked him down; another one put a screen over his face to prevent him from identifying them, while a third rifled his pockets and stole four $5 bills and a plated chain worth $1. Dunn was standing close to Nolan when he was struck, and he testified that he saw the prisoner take the money out of his pocket when he removed the screen, and that when searched in the station house three $5 bills were found upon him. They all ran away, and Dunn was arrested two minutes after.

The prosecuting witness was subjected to a long and searching cross-examination by Mr. Howe, who, as the witness said, by his "argument"—meaning the questions put—so confused him as to lead him to make contradictory statements respecting the time when he met the accused. Nolan said he had only taken two glasses of whiskey punch during the night; he had never seen the prisoner before, but he noticed him because he was the smallest man in the party; the prisoner wore a brown pea jacket, striped pantaloons and red shirt; I never told Mrs. Dunn, the mother of the prisoner, to go to Costello's and represent herself as Mr. Kemp's cook (the gentleman on Fifth avenue in whose house Nolan was employed as a servant), but she called at Mr. Kemp's several times to see me about settling the case; I did not ask $200, but I agreed to take $75 on condition that the money should be placed in the hands of the Judge; whether he would give it to me at the conclusion of the case for the time I lost if I requested him to be lenient would be a matter for His Honor.

Officer Dennis Griffin, of the Twenty-first precinct, testified that he was on his post upon the night in question in Twenty-eighth street, and met the complainant a short time before the robbery and noticed his chain; the officer saw from the opposite side four men going down that street toward Third avenue about a quarter to two o'clock, and perceived shortly after that the five were lying on the ground; the highwaymen, upon seeing the officer, ran away; two of them went up and two went down Lexington avenue; the officer gave the alarm rap, and it appeared from further statements made by the witness Officer Horsman arrested Dunn and brought him back to the scene of the occurrence five minutes afterwards, when Nolan identified him as one of the assailants. He was taken to the station house and three $5 bills found in his pocket. The chain was afterwards found on the sidewalk. Officer Griffin stated that officer Horsman has since died. The witness did not notice whether Dunn wore a red shirt or not.

Mary Dunn, the mother of the prisoner, was called for the defence, and said that Nolan wished her to represent herself as Mr. Kemp's cook when she visited Costello's place to see him about settling the case; he said he would take $75 and clear out of the city, and never alluded to the Judge; the prisoner never wore a red shirt in his life.

THE PRISONER'S STATEMENT.

John Dunn was sworn in his own behalf, and denied having anything to do with the robbery. Officer Horsman arrested him in Twenty-seventh street and brought him down to where the complainant was, who identified him. He accounted for the money by saying that he earned $17 50 in working upon boats.

Officer Griffin was recalled to show that the deceased officer stated, in the presence of the prisoner, that he was running when he arrested him.

The jury rendered a verdict of guilty, with a recommendation to mercy. In view of the prisoner being only sixteen years old Judge Bedford modified the sentence to five years in the State Prison, remarking that garroting must be put down, irrespective of consequences.

PRISONERS DISCHARGED.

William Robinson, who was charged with stealing a box of wine, valued at $9, on the 13th of March, the property of C. L. Becker, pleaded guilty.

John O'Day, indicted for stealing a watch from Ernst Gleiter, worth $25, on the 21st of March, was placed at the bar.

The complainants in each of these cases interceded for the prisoners, and in view of mitigating circumstances the Judge suspended judgment.

ALLEGED RAPE.

In the afternoon the trial of John Ryan, charged with perpetrating an outrage upon a young colored girl named Mary J. Lane, on the 13th of February, in a little shanty by the railroad, near Fifteenth street, was commenced, and will be finished this morning.

COURT CALENDARS—THIS DAY.

SUPREME COURT—GENERAL TERM—Held by Judges Barnard, Cardozo and Ingraham.—Nos. 19, 20, 234, 70, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 123, 124, 125, 129, 131, 132.

SUPREME COURT—SPECIAL TERM—Held by Judge Barnard.—Case on.

SUPREME COURT—CIRCUIT—Part 1—Held by Judge Van Brunt.—Nos. 169, 1299, 1143, 1059, 1237, 821, 1297, 1401, 253½, 1015, 855, 159, 233, 411½, 595, 701, 723, 1347, 853, 1009½. Part 2—Held by Judge Barrett.—Nos. 642, R. G. 36½, 36¾, 466, 456, 390, 524, 548, 550, 552, 556, 558, 558½, 560, 560½, 564, 566, 568, 572, 574.

SUPREME COURT—CHAMBERS—Held by Judge Brady.—Nos. 21, 22, 33, 34, 37, 60, 69, 78, 79, 93, 129, 143, 174, 175.

SUPERIOR COURT—TRIAL TERM—Part 1—Held by Monell.—Nos. 1783, 1789, 299, 1843, 1347, 1834, 1285, 1391, 157, 1225, 1461, 1329, 1231, 1387, 1391. Part 2—Held by Judge Curtis.—Nos. 640, 644, 90, 1014, 1218, 88, 868, 610, 1246, 290, 762, 1080, 1829, 330, 959.

COURT OF COMMON PLEAS—TRIAL TERM—Part 1—Held by Judge Larremore.—Nos. 1499, 1574, 1453, 1253, 1591, 1594, 1595, 1596, 1597, 361, 1269, 1105, 1518½, 977, 1509.

COURT OF COMMON PLEAS—EQUITY TERM—Held by Judge H. W. Robinson.—Nos. 21, 27.

MARINE COURT—TRIAL TERM—Part 1—Held by Judge Curtis.—Nos. 9045, 7835, 7874, 8080, 8258, 8324, 8360, 8364, 8465, 8365, 9048, 8471, 8473, 8474, 8475, 8476, 8477, 8478, 8479, 8480, 8481, 8483, 8489, 8490, 8491, 8492, 8493, 8495. Part 2—Held by Judge Spaulding.—Nos. 8747, 8193, 9010, 8225, 8258, 8407, 8356, 7646, 8309, 8129, 8458, 8461, 8462, 8463, 8464, 8465, 8466, 8417, 8460. Part 3—Held by Judge Gross—Courts open and calendar at eleven A. M.—Nos. 9070, 8164, 9330, 9334, 9362, 9223, 9713, 9714, 9734, 9014, 9225, 9229, 8355, 8339, 8340.

COURT OF GENERAL SESSIONS—Held by Gunning S. Bedford.—The People vs. Hugh McGloin, manslaughter; Same vs. John Morrison and Robert Perkinson, do.; Same vs. James McKay (two cases), burglary; Same vs. William Johnson, do.; Same vs. John Henry, do.; Same vs. John Mahoney (two cases), felonious assault and battery; Same vs. George Hughes, do.; Same vs. Wade Felder, do.; Same vs. Joseph Mazzie, do.; Same vs. Patrick Doyle, grand larceny; Same vs. Catharine Johnson, do.; Same vs. John Gaylor and Mary Gaylor, do.; Same vs. Mary C. Wilkin (three cases), do.; Same vs. William W. Ballard, do.; Same vs. James McBride, assault and battery; Same vs. Emma C. Couch and John Smith, conspiracy.

COURT OF APPEALS CALENDAR.

ALBANY, N. Y., April 3, 1872.

The following is the day calendar of the Court of Appeals for April 4:—Nos. 213, 212½, 152, 215, 169, 216, 218, 219.

MORE MANDAMUSING.

The Second Avenue Paving Job and Who is to Pay for It—Application for a Mandamus Against the Comptroller Before Judge Brady—The Judge to Consider the Matter.

After an interval of repose on the subject of mandamuses against the City Comptroller, giving acceptable quiet to the judges and less employment to lawyers, the subject was revived yesterday by an application, before Judge Brady, sitting in Supreme Court Chambers, by Thomas Pearson, for a mandamus against Comptroller Green to compel him to pay seventy per cent for work done and material furnished in paving Second avenue, between Eighty-sixth and 125th streets. The original contract was given to Thomas B. Morrell, in July, 1870, the work being done under the direction of William M. Tweed, late Commissioner of Public Works. Mr. Morrell assigned the contract to Mr. Pearson. The amount claimed is $49,476 96.

It was urged for the mandamus that the Inspector of Public Works had inspected the progress of the work from time to time and given certificates of the amounts due. The Comptroller had repeatedly been asked to pay this amount and had as repeatedly refused. He insisted further that the work had been done as required by the contract; that the contractor had expended large sums in its prosecution; that he was in great need of the money, and that there was no reason why he should not be paid at once. Ample power, he claimed, was given the Comptroller to pay the sum due, through assessment bonds, as allowed by the statute.

The Judge asked if the matter had been referred to the Board of Audit.

Mr. Pearson's counsel said that this was not necessary.

In opposition to the application it was contended that, owing to the decision of the Court of Appeals that assessments made in pursuance of ordinances not advertised in the Corporation papers were invalid, the Comptroller was placed in a very unpleasant position. The city was at present liable to some eleven millions of dollars, the return of any part of which was very uncertain. The result was, the Comptroller had been compelled to take a firm stand in the matter and refuse to pay contractors where the assessments were invalid until some legislation was had settling the matter. Such an act was now before the Legislature, and he had every reason to believe the same would be passed. As the case stood, the matter must take the legal course and none of these claims be paid.

Judge Brady asked how the Comptroller could have moneys in his possession applicable to the purpose unless he could issue assessment bonds to raise the money, and how he could compel the Comptroller to issue such bonds if the ordinance of December 30, 1868, authorizing the work to be done and by implication the issue of such bonds was itself invalid?

Mr. Pearson's counsel insisted that the case in the Court of Appeals did not make the whole ordinance invalid, but only invalidated it as against persons assessed, and that it did not appear that in this case there was not the proper advertisement. As to the latter point he insisted that the ordinance was only directory and that the omission to advertise it did not invalidate it.

The Judge said that he should decide no application for a mandamus against the city on technical grounds. As to the contractor it must be assumed that he knew that the ordinance required its publication, and that otherwise he was working upon his contract without authority. He held that if the question was raised the relator must show affirmatively the regularity of the ordinance, and if that was a question necessary to the case he would order a reference. On the other point he, for the present, reserved his decision.

IMPORTANT DECISION.

The Court of Appeals on the Legality of the Special Sessions when Held by One Justice—Judges Barnard and Cardozo Sustained—First Motion Under the Decision—The Immediate Consequences—The Wheels of Justice Clogged.

A most important motion was made yesterday morning before City Judge Bedford, sitting in General Sessions, by Mr. William F. Howe, in his capacity of counsel for one James Miscal, who was convicted before one justice of the Special Sessions Court for a minor offence and sent to the Penitentiary for a certain term. He was indicted for escaping from the Penitentiary and was to have been tried for that offence yesterday morning. For some time past the question of

THE LEGALITY OF THE SPECIAL SESSIONS

Court, when held by one justice, has been discussed among legal luminaries, and acted upon by Judges Barnard and Cardozo, of the Supreme Court, in so far that they held that all convictions had before one justice of the Court in dispute were illegal, and therefore void. Satisfied of this, they discharged something like three or four hundred convicted felons, tried and sentenced at the Court of Special Sessions, on

WRITS OF HABEAS CORPUS.

A section of the law constituting the Special Sessions Court distinctly says that two judges shall preside at that Court. The case was finally argued before the General Term of the Supreme Court, and, more for the purpose of preventing, or at least delaying as much as possible,

A GENERAL JAIL DELIVERY

of the multitude of offenders under sentence that tribunal decided that the Special Sessions Court was legally held when held by one justice, and consequently all those confined in our jails who were convicted at that Court had to remain there. From the Supreme Court the question was carried to the Court of Appeals, sitting at Albany. The question was ably argued and decision reserved. Yesterday morning the decision of

THE COURT OF APPEALS

reversing that of the General Term was made public, and Mr. Howe's motion was the first made under that ruling.

The whole question is of the very gravest importance to this community, and one that should interest every taxpayer in the community, as in all probability all those sentenced and serving out such sentences in the Penitentiary from the Court of Special Sessions will be

LET LOOSE TO PREY

on the privileges of honest citizens and commit depredations on their property.

Mr. William F. Howe moved to quash the indictment against the boy Miscal, contending, and very properly, that if his conviction was illegal—only one Judge being on the bench at Special Sessions when he was convicted—his breaking jail

DID NOT CONSTITUTE AN OFFENCE,

as he was unlawfully detained there. Upon the decision of the Court of Appeals he demanded the discharge of his client. Mr. Howe argued in a very able manner for some time, and was replied to by Assistant District Attorney Sullivan. But as the decision had not as yet been perused by either Court or counsel attentively, at the suggestion of His Honor Judge Bedford the further consideration of the case was

POSTPONED FOR A DAY OR TWO,

to afford His Honor an opportunity of studying the decision and rendering his decision under it. This was satisfactory to Counsellor Howe, and the case went over for the present.

It will be remembered that the jail clearing by Judges Barnard and Cardozo formed one of the chief charges against these gentlemen presented by the Judiciary Committee. As the Court of Appeals has sustained them, and thereby

LEGALIZED THEIR ACTION,

this charge, at all events, must fall to the ground.

Mr. Howe intends to apply for warrants of release for countless offenders under the new turn of affairs. The immediate effect of the decision will be very injurious to the community without doubt, but then it is the law.

AN UNGODLY GOVERNMENT.

Judge Blatchford yesterday, presiding in the United States District Court, received the following letter from a gentleman desiring to be excused for non-attendance as a juror:—

Walter T. Miller, No. 5 Hanover street and 49 West Twenty-second street, New York, requests to be excused from attendance as a juror in the United States District Court for the Southern district of New York, on the ground that he is a member of the Reformed Presbyterian church, a doctrine of which church maintains that it is wrong for its members to incorporate with the government of the United States under the present constitution, inasmuch as it does not acknowledge God as the author of national existence and the source of all power and authority in civil government, and Jesus Christ as the Ruler of nations, and of the Bible as the fountain of law and the supreme rule for the conduct of nations. And on the ground that jurors are executive officers, created by the constitution and deriving from it all their power, they sit upon the bench of justice as the ultimate tribunal from whose verdict there is, in many instances, no appeal. They incorporate with the national society, and in finding a verdict represent the government. They serve under the direction of the constituted courts, and are constitutional judges of what is laid before them. In criminal cases the constitution itself is the supreme law, which they are bound in oath to apply, and in certain civil cases the Court determines the law by which the jury is to be directed.

Judge Blatchford decided that a man who could write such a letter was unfit to sit as a juror.

THE ALLEGED MALPRACTICE CASE.

Singular Conduct of the Victim—She Does Not Stand by Her Original Testimony and the Case is Dismissed.

The case of Marie Uizer against Dr. Henry D. Grindle for alleged malpractice came up before Judge Dowling, at the Tombs Police Court, yesterday afternoon for examination, and, greatly to the surprise of every one present, fell through completely. The prisoner, accompanied by his wife, was promptly on hand, he looking none the worse for his night's incarceration, and she dressed regardless of expense, but not altogether of taste. Dr. Hallock was first examined by Mr. Howe, counsel for the defence, but his evidence was purely of a technical and professional substance, and therefore uninteresting to the public. He, however, fully established the facts in regard to the girl's condition, as set forth in the HERALD of the day previous. When the counsel had done with the Doctor he called the alleged victim herself. She came forward, feeble and trembling, and took a seat before the assemblage. She looked even worse than she did the day before and gave her testimony with much seeming difficulty. Mr. Howe began her examination by asking many questions of a very delicate nature in regard to her shame, which seemed to displease the poor girl greatly. As though desirous of having nothing more to do with the case and wishing to retreat from the gaze of those who surrounded her, she began giving such answers to the questions as very soon to knock the props wholly from under her previous testimony. For instance, she said she never had more than $25 in all her life and in her next breath she said she had paid Dr. Grindle $35 for medicine. To other and still more important questions she made similar replies, until it was clear that there no longer remained a possibility of holding the prisoner for trial.

Mr. Howe now moved for the discharge of his client, and Judge Dowling accordingly ordered his discharge, there not being sufficient evidence to justify his committal.

THE REAL ESTATE MARKET.

William Kennelly sold yesterday twenty-five desirable building lots, the property of Walter Roche, lately connected with the Guardian and Bowling Green Savings Banks. The sale was by order of Jeremiah Quinlan, James Lynch and John E. Devlin, trustees, for cash, for the benefit of the creditors of the above banks. The result was as follows:—

2 lots s. w. corner 5th av. and 100th st., together, 50x100 ft.. ..... $27,000 and	$18,800
2 lots s. s. of 86th st., 125 ft. w. of 4th av., each 25x102, each.....	7,400
4 lots s. of 92d st., 325 ft. e. 10th av. each 25x100, one for $3,400, the others each bringing.....	3,350
4 lots s. s. 93d st., 325 ft. e. of 10th av., each 25x100...	3,250
2 lots s. s. 100th st., 225 ft. e. of 10th av., each 25x100, each.....	3,450
5 lots n. s. 123d st., 150 ft. w. 1st av., for from $2,725 to	3,150

Mr. Kennelly also sold the following:—

2 lots n. s. 69th st., 475 ft. w. of 8th av., each 25x100, each.....	$6,600
1 lot s. s. 99th st., 375 ft. e. of 10th av., 25x88.....	2,800

A. J. Bleecker sold:—

Lot 25x145, s. s. of East 71st st., 150 ft. w. of av. A..	$2,770

SALE OF BROOKLYN PROPERTY.

The dilapidated frame buildings belonging to Kings county, adjoining the Court House, were sold at auction yesterday, and realized $3,245. The structures, most of which are occupied by political favorites as gin mills, are required to be removed, by term of sale, on or before the 1st of June. They have long been an eyesore to the neighborhood, and their demolition will be hailed as a public improvement. A handsome park will be constructed upon the removal of the present encumbrances.

AN EVENTFUL SESSION.

CHARLESTON, W. Va., April 3, 1872.

Yesterday was occupied in the Constitutional Convention in discussing the common school article. A large number of amendments were offered, but the whole matter was finally left about as in the old constitution.

DISEASE AND HEALTH.

One Hundred Thousand Loads of Manure Piled Up in One Spot on the Island.

FILTH IN THE STREETS.

Important Meeting of the Board of Health.

Comparative Statement of Contagious Diseases.

At the regular meeting of the Board of Health held yesterday afternoon an order was passed compelling the proprietors of the manure dumped on the east side of the island, from Forty-fifth to Forty-seventh street, to remove the nuisance without delay. Dr. Stephen Smith said in his opinion there must be at least 100,000 loads of this destructive filth in that place.

The following report from the City Sanitary Inspector was read, and a copy ordered to be sent to the street cleaning contractor, the Street Cleaning Commission and the Common Council:—

In view of the absolute necessity of having the streets and avenues of the city thoroughly cleaned of all filth, for the better protection of the health and lives of our citizens, I feel it an imperative duty to call your immediate attention to this important measure.

The numerous complaints of citizens in various parts of the city daily received at this office would seem to imply that the Board of Health were alone responsible for these conditions.

This is not the fact, as we are well aware that the Legislature of last winter deprived the Board of Health of all power in this matter.

But in view of the sanitary necessities involved and the responsibility imposed in the care of all conditions affecting the public health, it appears eminently just and proper for the Board to call upon and urge the Street Cleaning Commission, who have the authority to cause an immediate and thorough cleansing to be done.

So long as decomposition was arrested by a low temperature, and ice held the elimination of mephitic gases or pestilential vapors in bond, our citizens were comparatively safe; but when these forces are removed by a warm atmosphere, while our streets are filled with abominations of filth, ashes mixed with house refuse, garbage, animal matter and other pestiferous and deleterious substances, undergoing decomposition and putrefaction, the danger to health and life becomes imminent.

Already we see its effects in the rapid increase of malarial and other forms of febrile disease which are directly caused by such conditions.

An increase in exanthematous and contagious diseases, typhoid, typhus and continued fevers are some of the direct and indirect results.

Sanitary evidence has been discovered to convince both the Health Inspectors and myself that cerebro-spinal meningitis, now becoming quite prevalent in certain sections of the city, has its inciting causes not only in newly disturbed and escaping into dwellings by defective pipes and traps, but by the same kind of pernicious emanation, arising from decomposition of street filth, which is largely composed of the same elements as sewerage.

To be constantly exposed to these influences, which are removable and preventable, is but to promote and encourage disease. No amount of inspection and reporting can cleanse the city and protect its citizens, and as an officer of your Board I can only add my earnest request, urging such action as will bring the desired results. It does not need an expert to predict what must be the consequences of delay in this business. Every one of ordinary intelligence cannot fail to discover in his own feelings that these conditions are hurtful and dangerous to his health, and that such anxiety is felt by our citizens there is ample evidence in the numerous communications daily received by this bureau.

In those sections of the city where there is an excessive population, particularly of the tenement house classes, the condition of the streets is to the last degree filthy. Accumulations of ashes, garbage and house refuse have taken place, which, now that a warm sun begins to thaw from their frozen condition, with the constant travel of horses, carts and cars, become one putaceous, festering mass, nauseous and disgusting to every sense, and directly dangerous to health from constant inhalation.

The streets and avenues upon the eastern and western sides of the city and almost every one lying below Fourteenth street are now in the same condition, with few exceptions.

In the lower wards—the Sixth, Fifth, Third, Fourth, Second, Eighth and First, in the order named—street filth most abounds, while in the eastern and southern portions of the Seventeenth, all of the Eleventh, Thirteenth, Tenth and Seventh wards, in the order named, the conditions are necessarily bad. The eastern portions of the Eighteenth, Twenty-first, Nineteenth, and the westerly portions of the Ninth, Sixteenth, Twentieth and Twenty second wards are in many places very bad, although not as filthy as a general rule as those before mentioned. In a large proportion of the avenues the crowns of the streets may be said to be nearly clean, while the gutters upon either side are blocked up with street dirt yet in a partially frozen condition.

One important reason for bringing this matter early to your attention lies in the fact that less danger to the public health would be incurred by the prompt removal of this immense quantity of filth than if a delay of a few weeks were allowed.

With a change of season, spring time and summer accompanied by heat, and consequently rapid decomposition of this mass, unless at once removed beyond our walls, we may expect, as much experience proves, septic infections and diarrhœal, even if we escape those more fatal and alarming epidemics which go hand in hand with filth and sanitary neglect. With enlightened sanitarians and health organizations these preventible causes give rise to the utmost solicitude, and, at the risk of creating unnecessary alarm in the public mind, they cannot neglect every justifiable means in urging upon the proper authority the measures which science and experience teaches are the preventives necessary to stay and arrest the consequences of ignorance and neglect.

No money or force can restore lost lives; but both may, and can, by proper application, avert the dangers that menace, and save many that would otherwise perish.

Public health is incompatible with filthy streets, whereas clean streets are the fundamental sanitary means whereby public health may be promoted and disease prevented.

Whatever means of ventilation we may enforce in tenements, workshops, dwellings or industrial places, it is impossible to get pure air through or into them when the very air surrounding us is contaminated with every effete material which it is possible for such a multitude of people and animals to dwell in our city to produce.

The experience of the years 1870-71 with regard to the effects upon the public health of keeping clean streets was markedly shown in the eradication of relapsing and typhoid fevers from certain sections of the city where the measure was persistently carried out, and I have but to remind you of it to carry conviction of this necessity, in order to protect and maintain the public health of this city.

In view of the vital importance of prompt action in this matter, and that the least possible delay may be made, it is respectfully recommended that the Board of Health request and urge upon the Street-Cleaning Commission that all of the streets and avenues of the city be cleaned thoroughly within the ensuing next week, at whatever cost, and that hereafter such portions of the city as constantly require it, from the crowded conditions and rapid accumulations that take place, be cleaned at least semi-weekly, without intercession, during the spring, summer and autumn months of the year.

So soon as this cleansing of the streets and avenues is well performed and the dirt removed therefrom, we can institute a thorough disinfection of the gutters and whatever filth may accumulate from day to day, and thereby arrest further decomposition and thus secure the citizens from danger from these sources.

In addition to this report a number of complaints from private citizens were handed in to the Board.

The following is a comparative statement of contagious diseases reported for the two weeks ending March 23 and 30, 1872:—

	Fever, Typhus.	Fever, Typ. Mold.	Scarlet.	Measles.	Diphtheria.	Small-pox.
March 23.	4	10	93	33	11	115
March 30.	1	14	115	31	14	104

A communication from the British Consul was read that requested the Board to inform him of the actual condition of smallpox in the city. It was referred to the Sanitary Committee.

SMALLPOX EPIDEMIC IN BROOKLYN.

The efforts of Health Officer Cochran to guard the people of Brooklyn from further increase of the epidemic smallpox, and to provide proper means for caring for the unfortunate persons who require treatment in the County Hospital, is deserving of much commendation. The fact that the necessities were great for prompt action on the part of the health authorities is guaranteed in the reports of the Sanitary Bureau for the past few weeks. Last week there were 123 cases of smallpox reported in Brooklyn, many of which were of the confluent nature, and death carried off thirty-six persons of that number. The Flatbush Hospital was so full on Friday of last week that patients who were sent there had to lie on the floor, and beds, as fast as they became vacant either by death or the recovery of the occupants, were immediately taken possession of by new comers. The Health Board, upon the earnest statements of Dr. Cochran, as the absolute necessity of taking measures at once to remedy this evil and to guard, as far as possible, against the giant strides of the disfiguring malady, authorized the extension of the hospital, the replenishing of disinfecting supplies and the employment of ten physicians as vaccinators, in order that all who desire may avail themselves of vaccination, the only known barrier against smallpox. The precaution is a wise one, as there will be no surety against the ravages of that disease while it prevails in Europe and emigrants are continually transmitting it to our shores. There are eighty patients now in the County Hospital.

A CARD FROM JUDGE CURTIS.

TO THE EDITOR OF THE HERALD:—

NEW YORK, April 3, 1872.

A libel of the most atrocious character was published in the *Tribune* of to-day. It is directed at me. As a matter of simple justice will you publish the enclosed copy of my letter to Governor Hoffman:—

THE MARINE COURT OF THE CITY OF NEW YORK,
NEW YORK, April 3, 1872.

Hon. JOHN T. HOFFMAN, Governor of the State of New York:—

I have cut the enclosed libel from the New York *Tribune*. It was written, as I am informed, by Judge Shea, the head of the reference ring in this Court. It is false and malicious, and published in revenge of my attempt to reform the terrible abuses of this Court. I demand the earliest opportunity to expose the cabal who now prostitute the places they hold. Yours, truly, GEO. M. CURTIS.

MARRIAGES AND DEATHS.

Married.

CULGIN—NICHOLSON.—On Tuesday, April 2, at the residence of the bride's brother-in-law, by the Rev. Joseph Longking, JAMES CULGIN to Mrs. MARY A. NICHOLSON, all of this city.

DAVID—PHILLIPS.—On Wednesday, April 3, in the Nineteenth street synagogue, by Rev. J. J. Lyons, TUCKER DAVID to MIRIAM, daughter of J. W. Phillips, Esq.

GREENE—JONES.—By the Rev. T. De Witt Talmage, at his residence, F. L. GREENE to E. F. JONES, eldest daughter of J. P. Jones, all of Brooklyn. No cards.

HAWES—TAYLOR.—On Monday, January 1, by the Rev. C. C. Goss, of New York, MATTHIAS HAWES to JENNIE K. TAYLOR, both of Fort Lee, N. J.

HUBBELL—HENSEL.—On Tuesday, April 2, at the residence of the bride's parents, by the Rev. H. H. Birkins, JOHN A. HUBBELL to Miss TILLIE HENSEL, all of this city.

MERRITT—SCRYMSER.—On Tuesday, April 2, by the Rev. A. B. Carter, assisted by the Rev. F. W. Shelton, WILLIAM H. MERRITT to LOUISE, daughter of James Scrymser.

OPPENHEIM—OPPENHEIM.—On Sunday, March 31, at the residence of the bride's parents, JOSEPH D. OPPENHEIM to SOPHIE OPPENHEIM, all of this city. No cards.

SOMMERS—SAMSON.—On Wednesday, April 3, at the residence of the bride's brother, by the Rev. Dr. Vidaver, assisted by the Rev. E. Ingel, LEVY SOMMERS, of Philadelphia, to SOPHIA, youngest daughter of the late David Samson.

Died.

ANDREWS.—On Tuesday, April 2, 1872, EMELIA AUGUSTA ANDREWS, daughter of Andrew and Martha Andrews.

Relatives and friends are invited to attend the funeral, on Thursday, April 4, at half past one o'clock P. M., from the house of the parents, corner of Wyckoff street and Troy avenue, Brooklyn.

BAILEY.—On Wednesday, April 3, 1872, CHARLES BAILEY, Jr., aged 27 years.

Notice of funeral hereafter.

BAGLEY.—On Tuesday, April 2, MARY JANE, wife of Colonel James Bagley, aged 29 years and 9 months.

The relatives and friends of the family are respectfully invited to attend the funeral, from her late residence, 32 Pike street, on Friday morning, to St. Teresa's church, corner Henry and Rutgers streets, at half-past nine o'clock, where a solemn mass of requiem will be celebrated for the repose of her soul; thence to Calvary Cemetery.

BRONSON.—At Aiken, S. C., on Thursday, March 28, 1872, ISAAC BRONSON, of this city, eldest son of Dr. Oliver Bronson, aged 37 years.

The relatives and friends of the family and of his father-in-law, William Whetten, are respectfully invited to attend the funeral services, at the University place Presbyterian church, corner of Tenth street, on Thursday, April 4, at three P. M.

BUTLER.—On Monday, April 1, Mrs. CATHARINE E., relict of Andrew Butler, aged 30 years.

The friends and acquaintances are respectfully invited to attend the funeral, from her late residence, 202 East Fortieth street, this (Thursday) afternoon, at one o'clock.

BURGESS.—On Wednesday morning, April 3, ELIZA G., wife of Captain Joseph S. Burgess, of Brooklyn, E. D.

Notice of funeral hereafter.

CHAMBERS.—On Sunday, March 31, 1872, at Bridgeville, N. Y., ANN, widow of John G. Chambers, formerly of New York city, aged 100 years.