

THE COURTS.

AN OLD CAMDEN AND AMBOY SUIT.

A Reminiscence of an Old Fire in this City—The Burning of the Camden and Amboy Pier and Warehouses—Suit to Recover Losses on Cotton and Storage—Second Trial.

THE GOLDEN AGE OF TAMMANY.

A Suit to Recover the Price of Gold Badges Furnished the Common Council—The Old Gold Badge System—How It Came to Be Played Out—The Complaint Dismissed.

ANOTHER CITY MANDAMUS.

The Cry of Comptroller Green, "Still They Come"—Application for a Mandamus for the Payment of a Special Inspector of the Department of Buildings—The Mandamus Granted.

BUSINESS IN THE OTHER COURTS.

Summaries—Suits and Their Results in the Marine Court—Convictions and Sentences in the General Sessions—Decisions.

In the United States District Court yesterday, before Judge Blatchford, the case of Gibbs vs. Boch, Schneider & Co., which was a suit to declare the defendants bankrupt, was continued. The particulars have been already reported. Case is still on.

D. C. Miles, who had been detained in custody as a witness in the case of the United States vs. Woodhull & Claflin, who are indicted for having forwarded an obscene and vulgar publication through the mail, was discharged yesterday, with the consent of the District Attorney. Miles gave his own recognizance and bail to the amount of \$250 to appear when called on as a witness for the prosecution.

In the case of C. Doerris, of 91 Columbia street, who had been charged with a violation of the Revenue law, by packing cigars in boxes that had been previously used, Commissioner Shields discharged the defendant, holding that there was not evidence to sustain the charge.

A jewelling firm, which has been in the habit for years past of furnishing, for the consideration of \$100 each, gold badges for the members of the Common Council, could not get their pay for the badges furnished two years ago. They accordingly instituted suit against the city to recover the amount due them, and the case came on yesterday for trial before Judge Barrett, of the Supreme Court. It appeared they had been in the habit, under the Tammany régime, of getting their pay from contingent expenses. There was no appropriation to cover the amount of the indebtedness, and motion was made to dismiss the suit, which was promptly granted.

The old suit to recover some \$100,000 from the Camden and Amboy Railroad Company for loss of cotton at the burning of their warehouse at pier No. 1 North River, in 1864, is being tried over again in the Court of Common Pleas before Judge Larimore. The trial was commenced yesterday, and promises to last several days. A résumé of the facts will be found below.

Comptroller Green was yesterday the victim of another peremptory mandamus. This was granted by Judge Fancher, of the Supreme Court, on behalf of a special inspector in the Department of Buildings. The inspector wanted pay for months' services; the Comptroller would not pay him; hence the mandamus.

James Farrell was yesterday convicted in the General Sessions, before Judge Bedford, for attempting to break into the residence of George C. Field, in East Forty-second street, at midnight, and was sentenced to imprisonment in the State Prison for ten years. James Dalton, in the same Court, who was caught entering the apartments of Mrs. Griffin, in avenue B, was sent to Blackwell's Island for three years.

AN OLD SUIT REVIVED.

Legal Reminiscence of the Burning of the Camden and Amboy Pier and Warehouses in This City Eight Years Ago—Suit to Recover Losses on Cotton on Storage—The Second Trial.

Recent terrible conflagrations have not caused to be wholly forgotten the fire on the night of July 11, 1864, at pier No. 1 North River, which originated on the steamer John Potter, communicated with the pier and before being subdued swept away the entire pier and the monster warehouse upon it of the Camden and Amboy Railroad Company. Among the losers by this fire were James L. Lamb and Samuel Eastman, joint owners of some cotton on storage at the time in the warehouse. A suit to recover the alleged losses on account of the burning of the cotton, is, though long delayed, here since intervened, still pending. But though it looks as though it might have vitality enough to last eight years, the facts are as briefly these:—From Calvo, Ill., 700 bales of cotton were shipped to Messrs. Lamb & Eastman, in this city, but of this lot 622 bales were delivered to the pier and the rest burned in the warehouse at pier No. 1, of the Camden and Amboy Railroad Company, and the latter company, and then with the Illinois Railroad and Union Transportation Company, and then with the Camden and Amboy Railroad, which the companies should not be accountable for losses on account of fire. Backed up by this testimony the latter company, which was the possessor of the cotton was when burned, refused to pay for the loss. The case accordingly came to trial, and was first tried before Judge Cardozo, then one of the Judges of the Court of Common Pleas. A verdict was here given for the plaintiffs for \$51,618. Motion was made at Special Term to set aside this verdict, which was denied. Further effort was made at the General Term to get a new trial, but this failed of success. As a final resort the case was carried to the Court of Appeals. Here there was a lengthy and exhaustive argument on both sides, which ended in the Court directing a new trial. This new trial was begun yesterday in the Common Pleas, before Judge Larimore. It promises to be a lengthy and exciting trial—two results quite sure to follow where there is so much money involved. There are able counsel on both sides. Mr. Sanford representing the plaintiffs and Es-Judge Fullerton the defendants. The evidence taken yesterday was the deposition of a portion of that taken at the previous trial.

GOLD BADGES FOR THE COMMON COUNCIL.

Elements of the Golden Age of Tammany—How the Gold Badge System Used to Be Worked Through, and How It Came to Be Played Out—A Jeweller's Firm Done Out of Their Pay and Thrown Out of the Court.

An If it was not a sufficient badge of distinction to be a City Father, several years ago the custom was introduced in our municipal legislative boards of wearing special badges. These badges were made of gold, and bore devices artistically setting forth the high official rank of their wearers. It was easy work getting these badges. All that was required was a resolution passed to this effect, giving an order to a jeweller for their manufacture, and waiting back on the fund set apart for contingent expenses for the payment. The scheme worked finely while the City Treasury was hedged about with so little difficulty as during

the Tammany régime. But with the ending of Tammany's rule, there came a change. The two branches of the Common Council for 1871, sitting in the Botetops of their illustrious predecessors, ordered the customary complement of gold badges, the usual recipients of the order had been given to Messrs. Sillocks, the jewellers who had previously furnished them, and the badges were only supplied to the members. It was not so far but the pay did not prove forthcoming with the same facility as on previous years. The confiding jewellers had no notion of being cheated out of their pay. Their only recourse was a suit against the city for it.

PAY FOR THE BADGES.

The case came up for trial yesterday before Judge Barrett, of the Supreme Court, on the following trial. The Court proceedings proved of short duration. One of the Sillockses, the plaintiffs in the case, gave an affidavit in which he swore that his firm furnished forty-nine badges for the Common Council of 1870. The following was a portion of his testimony:

Q. You have all these badges furnished to members of the Common Council? A. No, sir; the Clerk and some of the other attendants got them.

Q. What was charged for each badge? A. \$100. Q. So you seek to recover \$4,900 from the city? A. Yes, sir.

Q. You have made badges for several years for the Common Council? A. Yes, sir.

Q. Ever any trouble before about your pay? A. No, sir.

Q. What was the intrinsic value of the badge? A. The gold alone was worth \$65, and the workmanship on each cost about fifteen dollars.

Q. Did any of the judges ever get one in your possession? A. Frequently members of the Common Council, after their term of office, having no further use for them, would apply to me for them. Mr. Shannon, former Clerk of the Common Council, testified to the passage of the resolution authorizing the making of the badges. Proceeding on behalf of the city to dismiss the complaint. He urged the motion on the ground that there was no appropriation for their payment. The Court made, and further that, being an expenditure of over two hundred and fifty dollars, the work should be done by contract. The application was granted as of length by the opposing counsel; but Judge Barrett coincided with the legal views of Mr. Dion, and granted the motion dismissing the complaint.

ANOTHER MANDAMUS.

The Cry of Comptroller Green is "Still They Come"—Contingent Expenses in the Department of Buildings.

Applications for mandamuses against the Comptroller continue to be made, and it seems as if there would be no end to them. Last in the list thus far was an application yesterday before Judge Fancher, of the Supreme Court, Chambers, for a peremptory mandamus against the Comptroller Green, requiring him to pay Nathaniel Cornell for services rendered as a special inspector in the Department of Public Buildings. Mr. Lawrence, in support of the application, read the affidavit of Mr. Cornell at the head of the department, setting forth the work done by the applicant, and another from Mr. Cornell stating that he had duly performed the work and that the Comptroller had refused to pay him.

Mr. Dean, on behalf of the Comptroller, said that there was no appropriation from which the claim could be paid. He added that the appropriation amounting to \$200,000 for salaries in this department would only cover the pay of those whose names are now on the pay roll.

Mr. Lawrence offered the money for this claim is to come from the appropriation to contingent expenses, of which fund there are \$17,100 now in the hands of the Comptroller. He said that the Comptroller, Mr. Dean—This is seeking the payment of a salary under the

COURT OF COMMON PLEAS—SPECIAL TERM.

By Judge Fancher. George K. Slatere, Jr., vs. William T. Cushing.—The plaintiff may have an injunction pending the sale of the share in the partnership. I don't see from these papers that there is any danger to the moneys or interest of the plaintiff calling for a return of the share. The defendant is a partner in the firm. Wm. Redmond et al. vs. The Enfield Manufacturing Company et al.—Motion for a receiver denied.

COURT OF COMMON PLEAS—SPECIAL TERM.

By Judge Tracy. Harris Peiser vs. Benjamin Citron.—Motion to vacate order of arrest denied.

By Judge Tracy. Isaac D. Narellinger vs. M. Gremm and G. M. Mittendorf vs. George W. Fenner.—Motion to vacate order of arrest denied.

By Judge Tracy. John T. Wolf vs. Mayor Goodkin and others.—Leave granted to defendants to amend answer.

MARINE COURT—SPECIAL TERM—CHAMBERS.

By Judge Tracy. Harris Peiser vs. Benjamin Citron.—Motion to vacate order of arrest denied.

By Judge Tracy. Isaac D. Narellinger vs. M. Gremm and G. M. Mittendorf vs. George W. Fenner.—Motion to vacate order of arrest denied.

By Judge Tracy. John T. Wolf vs. Mayor Goodkin and others.—Leave granted to defendants to amend answer.

MARINE COURT—PART 3.

Blitten by a Horse—Action for Damages—Judgment for the Defendant.

Before Judge Joachimson. August Supp vs. Andrew Martin.—The plaintiff sued the defendant to recover damages for injuries inflicted upon his daughter by the defendant's horse having bit her. It appeared that the horse was standing in front of the defendant's store, and that the girl, having crossed from the opposite side of the street to the store of the defendant, the horse, leaving to cross the street, passed under the horse's head, when the injury complained of was effected. The testimony of the part of the case was as follows: The little girl, who was that, she passed the horse's head, he bit her and threw her down. The testimony of the part of the case was as follows: The horse was standing with a feed bag around his head, out of which he was eating, and that the little girl, excited him by tickling him with a stick, when he reared up and bit her on the head and injured herself upon the railroad; that the habits and temper of the horse were gentle and he never crossed to the street, and that on that occasion he could not be being muzzled with the feed bag. After the testimony was closed, the Court delivered the following opinion:

Judge Joachimson decided that the allegation as to the defendant's knowledge of the habits of the horse and his being negligent, was proved. The defendant testified that at the time of the accident the horse was attached to a cart and had a feed-bag around his head, and that he was feeding, and that he was in near proximity to him, and that he has been corroborated by other witnesses. In my judgment he was sufficiently close to him to control him, and the remainder of the case is disposed of by the ruling of the Supreme Court in the case of Van Leuven vs. Zyk (first of last issue). The defendant's answer is not committing any trespass. See Dixon vs. McCoy, 39 N. Y. Rep. page 406.) There must be injury to the defendant, with costs and \$25 allowance.

Another Case of Biting—The Plaintiff Nonsuited.

Zeige vs. Walter.—In this case the plaintiff sought to recover for injuries to his infant daughter resulting from the bite of a dog alleged to be the property of the defendant. The testimony on the part of the defence was that the dog was the property of the defendant's wife. At the close of the testimony a motion for nonsuit was made by the defendant, which was granted. The testimony on the part of the defence was that the dog was the property of the defendant's wife. At the close of the testimony a motion for nonsuit was made by the defendant, which was granted.

COURT OF GENERAL SESSIONS.

A Housebreaker Sent to the State Prison for Ten Years.

Before Judge Bedford. The most interesting case on yesterday's calendar was a charge of burglary in the first degree, preferred against a rough-looking fellow named James Farrell, alias James McGuire. It only took a few minutes to try the case, the main witness being Mr. Geo. C. Field, who resides with his family at 216 East Forty-second street. He testified that he had locked up his house on the night of the 13th of October, and was about retiring, when he heard a noise in the rear of his house, and looking out of the window, Mr. Field beheld at him and he ran up the hill. A short time afterwards Mr. Field went down to his door, and found the door open, and out of the window, when to his surprise he saw the man had returned and succeeded in getting the window down. He shouted to him, and the man, who was dressed in a dark suit, and wearing a cap, leaped against the railing, looked up at him, and said to go to hell. The prisoner ran away, and told him to go to hell. The prisoner ran away, and told him to go to hell. The prisoner ran away, and told him to go to hell.

rendered a verdict of guilty of an attempt at burglary in the third degree, and Judge Bedford sent him to the State Prison for ten years.

Another Burglar Sent to the Penitentiary.

James Dalton, who was charged with burglariously entering the apartments of Mary Griffin, 237 avenue B, on the 30th of September, and stealing \$50 worth of wearing apparel, pleaded guilty to burglary in the third degree. He was sent to the Penitentiary for six months and six months, being under twenty-one years of age.

A Sneak Thief Found Guilty of Pettiness.

Larceny. John Doe, charged with stealing two coats, valued at \$50, the property of M. A. Wilder & Co., 133 Water street, on October 1, was convicted of petty larceny. Judge Bedford, in passing sentence, said that he had seen the defendant in the Court had spent many years of his life, by a technicality of law, and sent him to the Penitentiary for six months.

A Youthful Criminal.

Thomas Murray, a little boy, was tried and convicted of petty larceny from the person, having, on the 13th of October, stolen a silver watch and \$5 from Charles Bobb. He was sent to the Catholic Reformatory.

COURT CALENDARS—THIS DAY.

SUPREME COURT—CIRCUIT—PART 1.—Held by Judge Van Brunt.—Nos. 1591, 1711, 1751, 2187, 2035, 2225, 2227, 2037, 71, 605, 711, 701, 2109, 2259, 2267, 2275, 2281, 2287, 2293, 2299, 2305, 2311, 2317, 2323, 2329, 2335, 2341, 2347, 2353, 2359, 2365, 2371, 2377, 2383, 2389, 2395, 2401, 2407, 2413, 2419, 2425, 2431, 2437, 2443, 2449, 2455, 2461, 2467, 2473, 2479, 2485, 2491, 2497, 2503, 2509, 2515, 2521, 2527, 2533, 2539, 2545, 2551, 2557, 2563, 2569, 2575, 2581, 2587, 2593, 2599, 2605, 2611, 2617, 2623, 2629, 2635, 2641, 2647, 2653, 2659, 2665, 2671, 2677, 2683, 2689, 2695, 2701, 2707, 2713, 2719, 2725, 2731, 2737, 2743, 2749, 2755, 2761, 2767, 2773, 2779, 2785, 2791, 2797, 2803, 2809, 2815, 2821, 2827, 2833, 2839, 2845, 2851, 2857, 2863, 2869, 2875, 2881, 2887, 2893, 2899, 2905, 2911, 2917, 2923, 2929, 2935, 2941, 2947, 2953, 2959, 2965, 2971, 2977, 2983, 2989, 2995, 3001, 3007, 3013, 3019, 3025, 3031, 3037, 3043, 3049, 3055, 3061, 3067, 3073, 3079, 3085, 3091, 3097, 3103, 3109, 3115, 3121, 3127, 3133, 3139, 3145, 3151, 3157, 3163, 3169, 3175, 3181, 3187, 3193, 3199, 3205, 3211, 3217, 3223, 3229, 3235, 3241, 3247, 3253, 3259, 3265, 3271, 3277, 3283, 3289, 3295, 3301, 3307, 3313, 3319, 3325, 3331, 3337, 3343, 3349, 3355, 3361, 3367, 3373, 3379, 3385, 3391, 3397, 3403, 3409, 3415, 3421, 3427, 3433, 3439, 3445, 3451, 3457, 3463, 3469, 3475, 3481, 3487, 3493, 3499, 3505, 3511, 3517, 3523, 3529, 3535, 3541, 3547, 3553, 3559, 3565, 3571, 3577, 3583, 3589, 3595, 3601, 3607, 3613, 3619, 3625, 3631, 3637, 3643, 3649, 3655, 3661, 3667, 3673, 3679, 3685, 3691, 3697, 3703, 3709, 3715, 3721, 3727, 3733, 3739, 3745, 3751, 3757, 3763, 3769, 3775, 3781, 3787, 3793, 3799, 3805, 3811, 3817, 3823, 3829, 3835, 3841, 3847, 3853, 3859, 3865, 3871, 3877, 3883, 3889, 3895, 3901, 3907, 3913, 3919, 3925, 3931, 3937, 3943, 3949, 3955, 3961, 3967, 3973, 3979, 3985, 3991, 3997, 4003, 4009, 4015, 4021, 4027, 4033, 4039, 4045, 4051, 4057, 4063, 4069, 4075, 4081, 4087, 4093, 4099, 4105, 4111, 4117, 4123, 4129, 4135, 4141, 4147, 4153, 4159, 4165, 4171, 4177, 4183, 4189, 4195, 4201, 4207, 4213, 4219, 4225, 4231, 4237, 4243, 4249, 4255, 4261, 4267, 4273, 4279, 4285, 4291, 4297, 4303, 4309, 4315, 4321, 4327, 4333, 4339, 4345, 4351, 4357, 4363, 4369, 4375, 4381, 4387, 4393, 4399, 4405, 4411, 4417, 4423, 4429, 4435, 4441, 4447, 4453, 4459, 4465, 4471, 4477, 4483, 4489, 4495, 4501, 4507, 4513, 4519, 4525, 4531, 4537, 4543, 4549, 4555, 4561, 4567, 4573, 4579, 4585, 4591, 4597, 4603, 4609, 4615, 4621, 4627, 4633, 4639, 4645, 4651, 4657, 4663, 4669, 4675, 4681, 4687, 4693, 4699, 4705, 4711, 4717, 4723, 4729, 4735, 4741, 4747, 4753, 4759, 4765, 4771, 4777, 4783, 4789, 4795, 4801, 4807, 4813, 4819, 4825, 4831, 4837, 4843, 4849, 4855, 4861, 4867, 4873, 4879, 4885, 4891, 4897, 4903, 4909, 4915, 4921, 4927, 4933, 4939, 4945, 4951, 4957, 4963, 4969, 4975, 4981, 4987, 4993, 4999, 5005, 5011, 5017, 5023, 5029, 5035, 5041, 5047, 5053, 5059, 5065, 5071, 5077, 5083, 5089, 5095, 5101, 5107, 5113, 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7111, 7117, 7123, 7129, 7135, 7141, 7147, 7153, 7159, 7165, 7171, 7177, 7183, 7189, 7195, 7201, 7207, 7213, 7219, 7225, 7231, 7237, 7243, 7249, 7255, 7261, 7267, 7273, 7279, 7285, 7291, 7297, 7303, 7309, 7315, 7321, 7327, 7333, 7339, 7345, 7351, 7357, 7363, 7369, 7375, 7381, 7387, 7393, 7399, 7405, 7411, 7417, 7423, 7429, 7435, 7441, 7447, 7453, 7459, 7465, 7471, 7477, 7483, 7489, 7495, 7501, 7507, 7513, 7519, 7525, 7531, 7537, 7543, 7549, 7555, 7561, 7567, 7573, 7579, 7585, 7591, 7597, 7603, 7609, 7615, 7621, 7627, 7633, 7639, 7645, 7651, 7657, 7663, 7669, 7675, 7681, 7687, 7693, 7699, 7705, 7711, 7717, 7723, 7729, 7735, 7741, 7747, 7753, 7759, 7765, 7771, 7777, 7783, 7789, 7795, 7801, 7807, 7813, 7819, 7825, 7831, 7837, 7843, 7849, 7855, 7861, 7867, 7873, 7879, 7885, 7891, 7897, 7903, 7909, 7915, 7921, 7927, 7933, 7939, 7945, 7951, 7957, 7963, 7969, 7975, 7981, 7987, 7993, 7999, 8005, 8011, 8017, 8023, 8029, 8035, 8041, 8047, 8053, 8059, 8065, 8071, 8077, 8083, 8089, 8095, 8101, 8107, 8113, 8119, 8125, 8131, 8137, 8143, 8149, 8155, 8161, 8167, 8173, 8179, 8185, 8191, 8197, 8203, 8209, 8215, 8221, 8227, 8233, 8239, 8245, 8251, 8257, 8263, 8269, 8275, 8281, 8287, 8293, 8299, 8305, 8311, 8317, 8323, 8329, 8335, 8341, 8347, 8353, 8359, 8365, 8371, 8377, 8383, 8389, 8395, 8401, 8407, 8413, 8419, 8425, 8431, 8437, 8443, 8449, 8455, 8461, 8467, 8473, 8479, 8485, 8491, 8497, 8503, 8509, 8515, 8521, 8527, 8533, 8539, 8545, 8551, 8557, 8563, 8569, 8575, 8581, 8587, 8593, 8599, 860