THE COURTS.

THE SCANNELL-DONOHOE KILLING.

Effort to Obtain a Jury Still Unsuccessful—One Juror Sworn Yesterday—The Panel Exhausted and a New One Ordered for This Morning.

THE JUMEL ESTATE CASE.

Summing Up of Ex-Attorney General Hoar for the Plaintiff, Bowen—His Argument To Be Continued To-day.

BUSINESS IN THE OTHER COURTS.

Summaries—Penalty for Obstructing the Public Streets—Action for an Alleged Illegal Seizure of Goods Under an Attachment—Jurors Discharge Themselves and are Fined Therefor—Business in the General Sessions, Parts 1 and 2.

Yesterday a man who gave the name of Patrick Lilly was held by Commissioner Shields in $2,000 bail for examination on a charge of presenting a false and forged paper to United States Assistant District Attorney Purdy, with the view of inducing that officer to accept him as bail for one Christopher Flood. Lilly, who subsequently stated that his real name was Walter Devlin, said he owned real estate; but upon inquiry it turned out that he did not, that he had been a car conductor, and, being out of employment, was induced to do this thing. A man named Newman, who stated that he knew Lilly and that he had property, has also been held in $5,000 bail to answer a charge of having aided Lilly, alias Devlin, in the perpetration of the alleged offence. The accused were arrested just after they had told their story to Mr. Purdy, who believes that they belong to a "straw bail" gang.

John Reiter, a sailor, who had been charged with deserting from the German steamer Bressel, was yesterday brought before Commissioner Shields. He waived an examination, and was held to await an order from the Consul General of Germany to send him on board.

John Williams, John Bryant, Michael Crowley and James Saunders have been charged before Commissioner Shields with having mutinied on board the American ship Favorita while on a voyage from Liverpool to New York. It is stated that the men, when the ship was in the Channel, refused to obey proper orders and used offensive language to their superior officers. The men admit that they were mutinous, but declare that this was occasioned by their being almost starved to death, and that the officers were ignorant of their duties. The examination will take place to-day.

In the United States Circuit Court yesterday the hearing of the case of George W. Bowen vs. Nelson Chase was resumed before Judge Shipman and the special jury. Ex-Attorney General Hoar occupied the whole day in summing up the testimony on behalf of the plaintiff, Bowen. At the rising of the Court, shortly after four o'clock, the learned gentleman had not concluded his argument, which he will resume to-day.

The business in the Court of General Sessions, Parts 1 and 2, was yesterday of an unimportant character. The usual trials for larceny and assaults were disposed of, and the Court adjourned till this morning.

In the Common Pleas, Part 2, an action was brought against a builder to recover damages for injuries to and consequent repairs to a "Clarence." It appeared that the defendant had deposited in a public street a quantity of building material contrary to the provisions of the city ordinance relating thereto. Against this obstruction the Clarence was driven and thereby received injuries which it cost the plaintiff $322 to repair. A verdict was given for the full amount.

Yesterday was the fourth day of the trial of John Scannell, indicted for the murder of Thomas Donohoe. At the opening of the proceedings ten jurors took their seats who were obtained during the three previous days. Yesterday's session was consumed in an effort to complete the required legal number. Only one juror, however, was obtained, the panel was then exhausted, and the Court ordered a new panel to be called this morning. The Court then adjourned.

THE SCANNELL-DONOHOE TRIAL.

Another Jury Panel Exhausted—Eleven Jurors Only Obtained—A New Panel Ordered—The Case To Be Resumed This Morning.

Yesterday was the fourth day since the arraignment of John Scannell, indicted for the murder of Thomas Donohoe in November last. The proceedings so far have been confined to an effort to obtain a jury, but as yet the legal number of good men and true has not been secured.

Yesterday there was a repetition of each of the previous days' proceedings in calling and examining jurors and setting them aside because of their intelligence and qualifications to sit and hear and determine the case according to the rulings of the Court on the law and to the facts as they may be presented by the witnesses. The regular panel was again exhausted, and from it only one juror was obtained up to near three o'clock. A new panel was ordered, and the Court then adjourned till this morning.

The proceedings were commenced at the usual hour, Judge Brady being punctually in his seat. Counsel for the prosecution and defence were in their places. The prisoner, in custody of the Sheriff's officers, was brought in a few minutes before the opening of the Court. As usual, his wife, mother and some relatives were near him throughout the day. The proceedings were very monotonous and uninteresting.

EXAMINING JURORS.

Levi Schloss, a dry goods man, had formed an opinion, but thought he could give a verdict in accordance with the evidence. However, he would rather be excused on conscientious grounds, and was allowed to leave.

Clarence King read the account of the murder, and had formed a decided opinion. He was excused.

Victor Seaman, a builder, had read the reports of the murder, but had formed no opinion. He believed at the time of the affair that Scannell had committed an offence, but that opinion had been worn away. He seemed somewhat anxious to get on the jury, and said if he went into the jury box he would decide in accordance with the testimony, and declared that "the full of the court room of gold could not buy him." He had served on every jury since 1860. (Laughter.) He was an adept as a juryman. (Renewed laughter.) He was excused by mutual agreement of counsel on both sides.

A large number of names were called without any response, and quite a number of gentlemen were excused, having formed decided opinions.

Bernard Vreiter thought Scannell should not be hanged, as he did not believe in capital punishment. He was promptly excused. Another gentleman was allowed to go home to his wife, who was ill.

Elias Kimble, carpenter, of 424 West Twenty-seventh street, had read the newspaper accounts of the shooting of Donohoe and would undoubtedly hang Scannell on them. This blunt statement he subsequently qualified by saying, "if the reports were true." He was challenged by the defence and the challenge was sustained.

Mr. Berry, a venerable old gentleman, said it would require evidence of a very convincing kind to relieve his mind of the impression he had formed unfavorable to the prisoner.

Charles Keicher, of Third avenue, was excused.

Edward Meehan, a Washington Market meat dealer, had no prejudice against Scannell; had no political affiliations that would influence his verdict on the evidence; he had known Florence Scannell, and was excused.

JOHN L. SLINGERLEIN—ELEVENTH JUROR.

At half-past two o'clock the first juror of the day was sworn, making eleven in all. He was John L. Slingerlein, law student, No. 60 West Nineteenth street.

One more name was called after this, and the candidate was exempted from serving, as he was an inspector of elections.

Mr. Spark then notified the Court that the panel was exhausted. A new panel was then ordered by the Court to secure the twelfth juror.

There were fifty-five jurors sworn during the day and fifty-four excused. The defence so far have exhausted eighteen peremptory challenges out of thirty, and the prosecution eight. The new panel will be called this morning.

THE JUMEL ESTATE CASE.

The Suit of Bowen vs. Chase—Summing Up of Ex-Attorney General Hoar for the Plaintiff—His Argument To Be Continued To-Day.

The hearing of the case of George W. Bowen vs. Nelson Chase was resumed yesterday in the United States Circuit Court, before Judge Shipman and the special jury.

Mr. Hoar, Mr. Chatfield, Mr. Chauncey Shaffer and Mr. Sawyer appeared as counsel for the plaintiff, and Mr. Charles O'Conor and Mr. J. C. Carter for the defendant.

Mr. O'Conor said that he had reserved the right of calling a physician to show that Mr. Paul R. G. Pery had been ill, and was, therefore, unable to attend on a day when he wanted to ask him one or two questions in relation to one matter. He was more willing that Mr. Pery should be examined, as he was now in Court.

The Court declined to allow the examination of Mr. Pery.

Dr. George J. Jackson testified that for some days past Mr. Paul R. G. Pery had been suffering from an attack of inflammatory rheumatism; he gave him permission to go out yesterday; had he gone out before that he could not have done so with safety.

Mr. Hoar said that he could not remain in this city after the present week, and therefore he wished the Court would ask that counsel for defendant be required to finish the summing up before the plaintiff replied.

Judge Shipman said he could not now change the order that had been made—namely, that the counsel should alternate in the argument.

SUMMING UP OF EX-ATTORNEY GENERAL HOAR FOR THE PLAINTIFF.

Mr. Hoar said that when he heard the Court tell the jury to possess their souls in patience, he sympathized with that suggestion. He hoped the jury had not exhausted their patience. All that he knew of this case was, as the jury knew it, from the evidence as given in the Court. He was retained in the case just as it was about coming on. It had excited very deep feelings in a great many of the persons connected with it. They had all listened to the able counsel who had summed up for the defendant, and who had indulged in great invective and poured out his vials of wrath on the plaintiff. That counsel had turned to the Court and used expressions suggesting that the Judge had been excited with indignation against the enormity of the case. If that was so, it made his (Mr. Hoar's) duty and the duty of the jury more important. They were to try this case as a matter of fact, without exciting prejudice or passion. His duty was to go over this mass of evidence, and he supposed he would be able to assist the jury in seeing what it proved. His only client in this case was Mr. Bowen, a moderate fee was paid him, he had no share in any contract whatever. He was there to do his duty to the best of his ability, and he was sure the jury would do their duty also. There was a single question in this case. The Court would give them proper legal directions as to the title of Madame Jumel to this estate; and the only question he would discuss was—Is George W. Jumel the son of Betsy Bowen, daughter of John and Phœbe Bowen, who subsequently married Stephen Jumel and Colonel Aaron Burr? The burden of proof was upon the plaintiff. A civil suit between man and man was to be determined by a reasonable preponderance of evidence. This was a suit involving ancient facts about which the evidence was given. As a rule of law, ancient writings, which would not be at all admitted in a modern case, were permitted to be given in evidence in suits of this character. This was a case of circumstantial evidence in its main features. As he listened to the strong, forcible and indignant argument of counsel for defendant, he began to imagine there was not much left for the plaintiff; but they were not to try the case on the issues raised by the defendant. The single question the jury had to try was—Was George W. Bowen born in 1794 of Betsy Bowen, and if they found that fact to be so, they must find a verdict for the plaintiff. If that were so nothing which happened since could change that fact. He was going to ask them, before he got through, if they did not believe that fact. If the jury found that to be so they might, if they liked, add to their verdict that George W. Bowen had cast dishonor on his mother, and that they disapproved of counsel making contracts with clients; but if they were of opinion that Madame Jumel was the mother of Bowen, they were bound to declare that fact on their oaths. There was a great deal thrown into the case that had no real connection with it. There was imported into the case an allegation that there were two Betsy Bowens, and this was done for the purpose of raising a doubt as to which of the two Betsys was the mother of the plaintiff. One of these was the daughter of Caleb Bowen, and it appeared that she had married a man named Abner Metcalf. The jury had heard a good deal about stripping the defendant of his possessions. If George W. Bowen was not the son of Madame Jumel, of course it was all wrong to strip the defendant of his possessions; but if they began with the idea that Bowen was the son of Madame Jumel, it was his legal right to have taken possession of the estate on the very day of her death. Chase was not a relative of this lady. The moment the breath was out of the body of Madame Jumel Mr. Chase took possession of the property, kept people out of the house, seized her papers, contested the will and he had been since using the proceeds of the estate in keeping Bowen out. So that, instead of stripping Mr. Chase of his possessions, it was Bowen who had been kept from the roof that ought to have sheltered him. This was acting like the man who had chopped up his father and mother in pieces and who, being convicted of murder, was asked what he had to say. He exclaimed—"I hope the Court will have mercy on a poor orphan." (Laughter.) Papers of the ancient date seen in this case were hedged in by rules of law. In dealing with this matter he had to say that he was dealing with what appeared on the proofs that had been adduced to be the truth. This Madame Jumel, with her paints, silks, laces and luxuries, did not excite much of his admiration, and he thought that he might say the jury were of the same opinion. There were four things to be looked at—the estate, Bowen, his mother and Mr. Chase. This estate, great in value, was the product of the skill and industry of Mr. Stephen Jumel. When it was bought by Mr. Jumel it was not of great value; but what had given it its present great value was the growth of New York. That property was to go with the mass of the property of New York, and he supposed the jury did not care into whose hands it would go except in so far as they regarded it their duty to pronounce a verdict as to whom it rightfully belonged. He believed Mr. Bowen would do as well with that property as Mr. Chase. Madame Jumel left Mr. Chase only a small legacy, and as to his children, there was nothing with respect to them except what appears in the deeds. Mr. Chase got $30,000 a year out of the estate; he received $300,000 from the city—he supposed it came from the city, from one Richard B. Connolly—he had got a good squeeze from this orange, if he was never to get another. Mr. Bowen had not been instrumental in setting aside a will which left legacies to charitable institutions, though they all applied to one religious denomination—the Episcopal Church. On the marriage settlement of Mr. Pery, when an attempt was made to make Mrs. Jumel contract for a large share of her property, she declined to do so, but said she would be to Mrs. Pery what she was to her deceased mother if she acted as she desired. In the latter part of Mrs. Jumel's life, sane or insane, she had not the same relation to Mrs. Pery as she had to her mother. It was stated that Madame Jumel had set up William Chase in a grocery, and had complained that William and Mr. Pery were drinking the concern out. There was a certain method in her madness, and it might be just possible that as advancing age threw its veil over this vain and frivolous woman she began to get disappointed in the persons who had attached themselves to her, and that it would be better to leave her property to charity than to those expectants. He would advert to nothing that was incontestable in the case. Bowen appeared on the stand as a respectable citizen of Providence; he was a man who had got by his own earnings a moderate competence; he has been able to retire from business; he had children and grandchildren. He seemed to be a silent and grave man. He said that at his earliest remembrance he lived in the house of Reuben Ballou, in Providence, and saw him going round with his cart and his butcher's book, in which he saw him write. He stated that he saw (and no doubt he did) Madame Jumel at Saratoga, and if he wanted to make up a story could he not have made up one that he had spoken to her without the danger of contradiction? Talking of probabilities, did it strike them that G. W. Bowen would undertake to make up a pretence of being the illegitimate son of mad Madame Jumel? It would be a curious thing for a man with married sons and daughters to go to New York and set himself up corruptly as the son of a person who had left a great fortune. Mr. Bowen had said he did not know who his mother was until about the time of the death of Freelove Ballou. That woman told him the woman known as Madame Jumel was his mother, and that was held by counsel for defendant as a thing that ought to stamp his whole story as improbable. That was a matter of taste. Bowen was a silent man, and who his mother was was a subject that could not be civilly addressed to him. Why did he not go and speak to her at Saratoga? That was a matter of taste, and it depended upon the character and kind of woman Madame Jumel was. Seeing that she had made a public exhibition of herself in Saratoga and became an object of derision, why should he go and tell her that he was her illegitimate son? He did not believe he could at that time have inherited any of her estate, and he had then made a competence for himself. As to Joseph Perry's evidence, it had been abandoned as a perjury, and the defendant had commented upon the fact that Bowen backed up the evidence of Perry. Perry was an utter stranger to Bowen, who said he did not know him. Perry was enabled to see the testimony of Daniel Hull, and got himself up for the case, asking Bowen if he did not know him—Joe Perry. "Yes," says Bowen, "I remember Joe that I used to play with." If one of the gentlemen of the jury were going out of the Court to-day and met a man who related to him enough of the incidents of his life and youth that would have recalled his schoolboy days, would he not on going home to his dinner tell his wife that he had met an old schoolfellow? Of course he would, assuming that no imposition was intended to be practised upon him. And so it was very likely that Bowen was mistaken when he said that he knew this Joseph Perry.

After the recess the learned gentleman referred to an expression of Thomas Carlyle, to the effect that "to sit as a tacit bucket and be pumped into was, in the long run, agreeable to no person." Counsel went on to say that the history of Betsy Bowen was a remarkable one. She was born, as they had the best authority for saying, in the year 1775. Madame Jumel's application for a passport to France in 1854 fixed her birth at that time. Other testimony showed that that was the year in which she was born. With what sort of people did her training begin? She was a person of poor origin. The town of Providence was anxious to get rid of her and her parents as paupers. Was she surrounded with influences that would be likely to bring up a young girl in virtue and honor? In the old jail of Providence Betsy Bowen lived with her mother, who was an inmate of that foul den torn down by the mob. Her children were sent to the workhouse in 1785. Here was a young girl of the most remarkable physical beauty brought up by her mother amid such scenes and removed to the workhouse. Her mother contracted a second marriage, and was subsequently drummed out of the town on pain of being whipped at the cart's tail. Here was a young woman of youth, beauty and corrupt associations, left alone in a seaport town, the daughter of a sailor, a woman of strong will, fond of admiration. This was his (counsel's) reason for assuming that she was the one that fell. There was not a scrap of evidence to show that she had ever accompanied her parents to North Carolina. If G. W. Bowen was born of her in 1794 was it not natural to suppose that she would transfer herself to a wider field in New York? The human heart was made up of various and conflicting passions and emotions. They had had a charity ball in New York for the poor waifs and strays of human society; and were they to be told that the passions of a mother for her child were so strong that she would not desert it? Yet the answer to that was that Madame Jumel did desert her child. What else had this poor girl but her beauty and her vicious associations? The next they knew of this woman was that she was found in New York under a false name. She was found there under the name of Brown. There was not a trace of evidence in the case that this woman was ever married until she married Stephen Jumel; but the evidence pointed to the fact that she had put herself under the protection of a sea captain named Brown—that is, that she had formed an illicit intercourse with him; in fact, became his mistress. Until Madame Jumel was married to Mr. Jumel she had exhibited a desire for concealment, and she was married under the name of Eliza Brown, a name to which she had really no honest claim. She was not married as Mrs. Brown or as the widow Brown. Had not the plaintiff a right to assume that when Betsy Bowen left Providence she burned her shoes behind her and came to New York, conquering and to conquer, until she made a conquest of Mr. Jumel—good easy soul that he was? Captain Fountain's evidence went to show that he knew Betsy Bowen, or Brown, the woman who afterwards married Mr. Jumel, and that he used to see her down there in Whitehall street sitting at a window, gayly dressed. They offered to prove by Captain Fountain that this woman was the mistress of Brown, the sea captain, and also the mistress of Mr. Jumel before she was married to him. A conclusion was not to be drawn that she was virtuous because the Court ruled that they could not prove she was not. Mr. O'Conor had told them that in those days Whitehall street was the residence of the merchant princes of New York. He (Mr. Hoar) supposed that at some future time, when a jury occupied the places of the gentlemen whom he now addressed, they would be told that Fifth avenue was a most respectable place and that a certain Madame Restell lived there, and that a Mr. Tweed, of whom they had heard so much, and whose trial had occupied about half as long as this, resided there also, as a distinguished, excellent citizen of New York, to speak of whom with disrespect would be slander. By some means or other this woman married Jumel in 1804, and he did not reside in Whitehall street until that year. She was never visited by the virtuous women of New York. Then they came to another stage in the strange life of this woman. One year after the death of Jumel she married Aaron Burr, who had the blood of Alexander Hamilton on his hands and his soul, and who had a name in American history as the only one of the great officers of State who had been ever suspected of treason to his country. It was said of Burr that "he never spared man in his anger or woman in his lust." At the age of fifty-five she married Burr, of whom it had been said by his biographer that he died poor, penniless and friendless. Within one year after that marriage she obtained a divorce from Burr, who was probably looking after Madame Jumel's fortune. And it had also been said that she had applied for a pension on the ground of Burr's Revolutionary services. Going to France, she put on her cards, one of which had been produced, "Madame Burr, widow of Aaron Burr, Vice President of the United States." All this showed Madame Jumel's love of ostentation and display, and would give the jury an insight into her character. It was a very curious thing to note how illegitimate children ran in this family. Taking this woman, as he had depicted her, remembering her early training, was it not reasonable to assume that she had determined to put behind her all reference to her early life? It had been said by the defendant that there was no mention by Madame Jumel of this son; but need he remind the jury of sons—even deserving sons—who had not been mentioned in their fathers' wills, because, following the rule of nature, they married from love and not from the desire to form alliances that might be pleasing to their parents. Mr. Chase had sat down before this estate and invested it on all sides, and when Mr. Chase handed to Mr. Jumel a copy of the paper, announcing his marriage with the adopted daughter of Mr. and Madame Jumel, Mr. Jumel pinched his cheek, as much as to say, "I know what you are after." Though there was no evidence to show that Madame Jumel had adopted Mr. Chase, there was plenty of evidence to show that he had adopted her—he attached himself to her. When Madame Jumel died Chase took possession of her property, books and papers, and he put forward such statements and affidavits as he thought would serve his purposes. There was not a poor applewoman or washerwoman working for food to bring home to her little brood who, in the sight of God, was not far more worthy of consideration than this woman, Madame Jumel, with her laces, her pomps and her negro servants. George W. Bowen was entitled, in his early youth, to all the care and affection of a mother's love; but he was abandoned in his youth. The first piece of evidence in the case was George W. Bowen. He should be put in as an exhibit and marked with some number. It was in evidence that he was born in the house of Reuben Ballou, in Providence, and that his name, as all the witnesses for the plaintiff stated, was always known to be George Washington Bowen. There was no account of Betsy Bowen except what the plaintiff gave. They were following a case of circumstantial evidence on a matter occurring eighty years ago, and they were to see if the little indications pointed to this Betsy Bowen or to some other. Mrs. Catharine Williams had deposed that she used to see Betsy Bowen going round in Providence in company with painted women. Now, what would they say outside the court room in reference to that fact? If it was said that Betsy Bowen had gone off to New York and married a rich Frenchman, what would be the impression in regard to it? One witness said he had not heard anything of Mr. Bowen's parentage until recently; but the plaintiff offered to prove it, but that offer was ruled out, and the inference was not to be taken against the plaintiff that he could not prove it because, on the objection of the defendant, the offer was ruled out. The terrible difficulty on the other side was that they did not account for the existence of Mr. Bowen at any other place than Providence, and the plaintiff had accounted for it. Bowen was found at Major Ballou's, and no one knew him at any other place, and no one knew him in relation to any other mother but Betsy Bowen. Bowen was born in Ballou's house, and no number of false witnesses could reason him out of his existence there. They went back to the origin of this case—nearly three-quarters of a century ago. It was well said on the other side that nothing could change the character of truth. Who first set the report going that G. W. Bowen was the son of Madame Jumel? Mr. Devine stated that he could not swear expressly whether he had two conversations with Mr. Bowen or not; but asked him if he was the illegitimate son of Madame Jumel. Where did Mr. Devine get that information? Mr. Devine got that information in Providence—that universal repute—that G. W. Bowen was the illegitimate son of Madame Jumel; and having put that question to Bowen he must have received that information in the same quarter.

The learned gentleman spoke from eleven o'clock until twenty minutes past four, and had not concluded his argument at the rising of the Court at that hour. He will resume his argument to-day.

BUSINESS IN THE OTHER COURTS.

COURT OF COMMON PLEAS—PART 2.

Obstructions in the Streets—Caution to Contractors and Builders—Citizens to Have Free Enjoyment of the Streets and Avenues.

Before Judge Loew.

Daniel W. Snow vs. Charles O'Reilly.—This suit was brought to recover $322 for repairs to a clarence, the property of the plaintiff, who was a livery stable keeper, which was damaged through the alleged negligence of the defendant, a builder, on the 18th of August, 1871. The driver of defendant was passing Weber's piano factory, then in course of erection, on Seventh avenue and Seventeenth street. A heap of sand was lying in front, under which were some large stones. The wheel struck the stones, and, overturning the carriage, caused the damage. It was contended on the trial that the builder was negligent in thus obstructing the streets and not placing proper lights and guards to warn passengers.

Judge Loew, in the course of his charge, remarked:—"In erecting the building in question the defendant, as contractor, had the right to place sand, brick and other building materials in the street from time to time as he used them, provided he did it in the most convenient manner and left them there only for a reasonable time; but he had no right to encumber the street for any length of time without the written permit of the proper officer, as required by the corporation ordinances, which permit, he admits, he did not have. Now, if you believe from the evidence that the defendant allowed the encumbrances in question to remain on the street an unreasonable length of time—if they remained there only a reasonable time, and you believe that he or his employés placed the sand or the stone against which the wheel of the plaintiff's carriage struck in the street in such a careless and negligent manner as to cause the accident in question, and that the plaintiff's driver did not by his own carelessness or negligence contribute in any degree to the occurrence, then you will find a verdict in favor of the plaintiff for such damages as, from the evidence, you may believe that he sustained by the accident. But if, on the other hand, you believe from the evidence that the accident occurred by reason of the fault or neglect of plaintiff's driver, or that he in anywise contributed thereto by his own carelessness or negligence, then you will find a verdict in favor of the defendant."

The jury found a verdict for the plaintiff for the full amount. Mr. Vanness for plaintiff, Mr. Hand for defendant.

MARINE COURT—PART 2.

Action for Trespass—An Alleged Illegal Seizure of Goods on an Attachment—Judicial Reprimand to Jurors—An Officer Dismissed.

Before Judge Spaulding.

Mapes M. Smith vs. John Hillier.—This action, the trial of which occupied two days, was brought by the plaintiff to recover from the defendant the sum of $500. It appeared that on the 29th of August last the firm of Harris & Berger obtained an attachment against the goods of a man named James M. Gray, who did business at No. 136 Third avenue. The attachment was placed in the hands of the defendant, a city marshal, who, with a member of the firm of Harris & Berger proceeded to the store of Gray to execute it. The defendant, on arriving at the store, found the plaintiff in possession thereof, and produced a bill of sale of the goods and fixtures from Gray, dated August 8, 1872. On the production of the bill of sale the Marshal refused to levy, but was immediately indemnified by the firm of Harris & Berger, who ordered the goods seized, on the ground that they were the property of Gray. The Marshal, thereupon, levied upon the goods and had them removed. The defence was a justification under the attachment. After a prolonged examination of the case for two days, on the questions of proprietorship and value of the goods seized, the case was submitted to the jury on Wednesday evening by a very lucid charge by Judge Spaulding. An hour after the jury had retired they sent word to the Court that there was no possibility of their arriving at an agreement, whereupon the Court ordered them locked up until they did agree and to bring in a sealed verdict. On the opening of the Court yesterday morning the jury, with one exception, answered to their names, when the Court asked them if they had agreed upon a verdict. On receiving a negative answer the Judge asked how they came to leave their room without a judicial discharge. The jury answered that they were discharged at half-past ten o'clock the night before by the officer who had them in charge, whereupon the Judge ordered the Clerk of the Court to fine each juror $50.

Judge Spaulding, who was justly incensed at the gross dereliction of duty on the part of a sworn officer of the Court, in discharging the jury without the cognizance and without the instructions of the Court, at once dismissed the official in whose charge the jury had been entrusted on the previous day. A little more of this judicial severity is needed from time to time, but no doubt the lesson thus taught by Judge Spaulding will have a salutary effect for some time.

COURT OF GENERAL SESSIONS—PART I.

Before Recorder Hackett.

There were a great number of defendants, on bail and in prison, arraigned in this Court yesterday, upon indictments found by the Grand Jury of Oyer and Terminer, for grand larcenies, burglaries and felonious assaults. The accused parties pleaded not guilty, and were remanded to be tried next week.

A "Soft" Impeachment Against a Colored Man.

Bethuel Palmer, colored, who was charged with stealing a feather bed, valued at $30, the property of Jonathan Palmer, pleaded guilty to petty larceny and was sent to the Penitentiary for six months.

Acquittals.

Richard Moslein was charged with effecting a burglarious entry into the premises of Kate Kellett, 186 Ludlow street, on the 9th of January, and stealing eleven shirts and ninety-six dozen of shirt buttons, which were in her charge. The accused proved a good character and other circumstances were shown tending to demonstrate his innocence. A verdict of not guilty was rendered.

Patrick McMahon was indicted for stealing a truck on the 16th of November, valued at $125, the property of Jacob Bryan. A number of witnesses were examined who proved that the defendant purchased the truck, not knowing that it was stolen, and having showed an excellent character, Assistant District Attorney Russell abandoned the prosecution, and the jury rendered a verdict of acquittal without leaving their seats.

The Jury Disagree.

James Duffy was tried upon a charge of felonious assault and battery, James Tully claiming that on the 25th of August last the defendant struck him on the head with a pair of shears. As the jury were unable to agree upon a verdict the Recorder discharged them from the consideration of the case.

COURT OF GENERAL SESSIONS—PART 2.

Before City Judge Sutherland.

Another heavy calendar was disposed of by Judge Sutherland in this Court yesterday, though none of the cases were of very great importance.

Roger O'Neill pleaded guilty to an attempt at grand larceny and was sentenced to two years and six months at Sing Sing. James Fitzgerald pleaded guilty to the same offence and received the same punishment. Recognizances were forfeited in the case of Frank Johnson and Conrad King.

An Affray Among Shoemakers.

The first case on trial was that of Jacob Roessler, which was nearly finished on Tuesday, but had to be suspended for a day in consequence of the illness of a juror. The facts were very simple. The complainant John Pocznansky, and the defendant had worked together in the same room, but having resolved to separate, Pocznansky came with a couple of friends to take away his tools to his new location. There ensued a quarrel about a bench which Pocznansky tried to take away, but which Roessler claimed as his. Roessler rose with a knife in his hand, with which he had been trimming a shoe, and the two men clinched and rolled about the floor. When they rose Pocznansky was covered with blood, and was seen to have received two wounds, one in the neck, and the other on the hand. Roessler told him to go to a physician, and Pocznansky was laid up six weeks in Bellevue Hospital, and narrowly escaped dying. The point in the case was who was the first aggressor, and here the testimony was conflicting. The jury, after deliberation, found a verdict of guilty of assault and battery, and the Court, in consideration of all the circumstances of the case, sentenced Roessler to thirty days in the Penitentiary.

Knocked His Eye Out.

William Hall, a bartender, pleaded guilty to assault and battery. This was an old case, and the consequence of the assault, which was committed by means of a glass, was the loss of the complainant's eye. The sentence was thirty days in the Penitentiary.

Thomas Williams was acquitted on a charge of grand larceny.

A Dark Case.

Leonora Grass, a colored woman, was indicted for an assault with a knife upon Lydia Jackson. The parties had been to a reception, and coming home went into a liquor store and got drunk. There began a difficulty, springing out of Leonora's jealousy of Lydia, and after a while Leonora adjourned to her house, in the immediate neighborhood, and, having borrowed a knife, returned to the scene of the trouble and stabbed Lydia. She was found guilty and sentenced to a year in the State Prison.

A stabbing affray among a number of Italians was also tried, but it was clear that the evidence of the facts was not perfect, and the case had to be abandoned.

TOMBS POLICE COURT.

A Thieving Tailor—Daniel O'Connell as an Informer.

Michael Moloney, of 34 Cherry street, was arraigned before Justice Hogan, charged with stealing coatings of the value of $100 from Michael Nolan. The stuff was the property of Kyler & Lestner, of Cherry street. Moloney, who is a tailor, was entrusted with the material, but failed to return it. He was held in $1,000 to answer.

Ellen Donovan, of 373 Main street, Brooklyn, while in the Emigrant Industrial Savings Bank, yesterday afternoon, carelessly left her bankbook, containing $150, on the counter and repaired to a desk. On her return the bank book was missing. Daniel O'Connell, who was present, stated that he saw a woman, named Bridget Ryan, take it. On his affidavit Bridget was arrested and held in $500 to answer.

BROOKLYN COURTS.

SUPREME COURT—GENERAL TERM.

The Will of the Late John Kellum.

Before a Full Bench.

John Kellum, the celebrated architect of Hempstead, L. I., died on the 24th of July, 1871, and his will, which bequeathed all of his large estate to his wife Hannah, was admitted to probate by Surrogate Covert, of Queens county. The will is contested by Hiram Kellum, the son, who alleges that it was not executed and attested in the legally prescribed manner for the execution and attestation of last wills and testaments. He further claims that it was not subscribed to by John Kellum.

The case was before the Court yesterday on an appeal, and after argument the decision was reserved. The case has heretofore been reported.

Admissions to the Bar.

Messrs. Thomas E. Pearsall, J. Bergen and T. E. Stillman have been appointed as examiners of candidates for admission to the Bar. They met yesterday, when only two candidates presented themselves for examination.

SUPREME COURT—SPECIAL TERM.

The Story of an Octoroon.

Before Judge Pratt.

A writ of habeas corpus granted by Judge Davis, of the New York Supreme Court, requiring Mr. Frederick Grifling, a wealthy cotton merchant, to produce Kitty King, a young octoroon, before Justice Pratt, was made returnable yesterday morning. The writ was sued out by Jacob Thomas, a colored man of New York, who is striving to have the care and custody of the girl awarded him by virtue of a power of attorney, which he claims he holds from the stepfather and mother, who now live in Mobile. Kitty has been living in the family of Mr. Grifling since 1865, in which year, in the month of October, he entered into a written agreement with the girl's father, Stephen X. King, at Marion, Ala., to provide for her wants, educate her and bring her up properly until the expiration of eleven years. In consideration Mr. Grifling gave the parents money, clothes, &c. Kitty, who was then about eight years old, was brought into Brooklyn, and has since been treated as an adopted daughter. She is known as Eva Grifling, and is now being educated at Glen Cove, L. I. It was stipulated in the agreement in question that at the expiration of the eleven years the girl was to be her own judge and to choose for herself; but if her present contented condition and inclinations continue it is probable that she will decide to remain with her adopted parents. In appearance she has grown to be a tall, handsome girl, in whom not a sign of African blood can be detected. The argument of the case was postponed yesterday until Saturday next.

BROOKLYN COURT CALENDARS.

SUPREME COURT—GENERAL TERM.—Nos. 34, 35, 47, 62, 72, 74.

CITY COURT—TRIAL TERM.—Nos. 1, 87, 90, 91, 153, 244, 249, 287, 176, 177, 178, 288, 259, 261 to 267, inclusive.

COURT OF APPEALS CALENDAR.

ALBANY, N. Y., Feb. 13, 1873.

The following is the Court of Appeals day calendar for February 14:—Nos. 382, 514, 515, 9, 2, 7, 530, 587, 609.

THE IRISHTOWN TRAGEDY.

Evidence in the Trial of Solomon David Moore, at Morristown, N. J., Yesterday—A Strong Fight Being Made for the Prisoner—Peculiarities of the Defence.

MORRISTOWN, N. J., Feb. 13, 1873.

The trial of Solomon David Moore was resumed at half-past nine o'clock this morning before Judge Dalrymple. The counsel on both sides were promptly on hand, and the proceedings immediately commenced. The jurors, who were locked up for the night, were brought into Court in the custody of two officers.

The evidence yesterday was very interesting, and the counsel for the defence manifested greater animation than on the preceding day. A stronger case is being made out for Moore than was thought possible, and although the prosecution have produced some very damaging evidence, there has been nothing yet elicited which directly connects Moore with the killing. The prisoner himself seemed more anxious than on yesterday, and manifested some feeling when his little son was placed upon the witness stand. The court room was crowded to suffocation, making the atmosphere of the limited apartment foul almost to oppression. The gallery was filled with ladies, who held on to their seats during the entire day. Below will be found a summary of

THE TESTIMONY.

James Cornell was the first witness examined, but his evidence was not important.

THE POST-MORTEM.

D. T. Crittenden was next sworn, and testified as follows:—I am a practising physician at Dover; I made a post-mortem examination on the body of a woman on the 30th of November; I found the body in the house where it was said she had died; the woman was of spare frame and about forty years old; the body presented a very bruised appearance and there were a great many contusions upon it; there were some scalp wounds and a bad cut at the mouth; there was a large clot of blood on the surface of the brain; it was a very large clot, and caused depression of the brain. There was a smaller clot of blood at the base of the brain; the clots were produced by the rupture of the bloodvessels; the injuries on the body were of themselves sufficient to cause death, and the same can be said of the wounds on the head; the wounds could have been inflicted by a blunt instrument or a heavy boot; the body was frozen when I first saw it; we thawed it in order to carry on the dissection.

Dr. Isaiah W. Condit, who assisted the last witness to make the post-mortem examination, corroborated his testimony.

Rose McGarry was the next witness, and testified in regard to the deceased that her back and shoulders were covered with blood and bruises.

Mrs. Bridget Maloney was next called, and testified as follows:—I knew Mary Ann Moore; the last time I saw her was the day previous to the one on which

SHE WAS KILLED;

I saw David Moore the morning after Thanksgiving Day; he looked very sober; he saluted me; I saw him again at Mrs. Connelly's about an hour after.

Cornelius B. Gage was the next witness sworn—I am a Justice of the Peace for Dover; the first information I had of the murder was on the morning after Thanksgiving Day; I came and found the body in the manner already described by previous witnesses; there were no tracks on the side of the brook where the body lay; as I went into the front room of the house I saw that the floor was literally covered with blood; there was an old bedtick on the lounge and that was also covered with blood; I saw the overalls and the knife handle which have been already identified; the overalls looked as if they had been spattered with blood; my impression is that John Madden picked up the knife handle and handed it to me; John Madden took particular pains to show me around; the body was carried into the house by my direction and I left the door fastened, John Madden saying he would see that nothing was disturbed.

THE MURDERER'S SON.

David Moore, the son of the prisoner, a boy of about twelve or thirteen years old, was the next witness sworn. The following is his testimony:—I lived at home with my father and mother; I saw my father on Thanksgiving Day in the house; he was sober; he was wearing a pair of overalls; my mother went out about four o'clock and was home again at five or six; my father was there too; I asked my father could I go out; my mother said Tom Madden was coming down; as I was going out I met Tom Madden coming down; I opened the door and told my father he was coming, and he said, "Let him come;" the moment I shut the door Madden came up and asked me where my father was; I stood there about five minutes, and I looked in and saw Tom Madden lying on the floor; my father put a coat under his head and the blanket over him; I went off with the boys to John Maloney's; I then went to Terence Connolly's; I stood there about half an hour or more, and then I went to Mr. Cox's house; I came down to Terence Connolly's, and as I was going up stairs; saw my father sitting in front of the house; I stayed at Connolly's all night and the next morning I got up and went to the store; when I came back I saw my father sitting in Connolly's; I was there when Jack McElhern came in and said "There is either a man or

A WOMAN LYING DEAD

near Dave Moore's house;" Mrs. Connolly said, "Dave, get up and go down and see, maybe you have done something to Mary Anne;" he said nothing, but went out of the house; I went down to Mrs. Lucas' next, and heard that my mother was dead.

Cross-examined—I was at the house all day up to the time I went out in the afternoon; when my mother came back in the afternoon she was not sober; when she drank anything she never spoke much or eat anything; I did not hear my father blame my mother for inviting him to come down; when my father put the blanket over Madden my mother was sitting on a chair; after I went to bed in Connolly's John Madden came up to the room; he went into bed with Pat McLaughlin; I have not talked with my father about the murder.

MOORE'S SELF-BETRAYAL.

Maurice Lucas was the next witness sworn:—I live at Mine Hill; Moore lives next to me; saw him on Thanksgiving night, between six and nine o'clock, at Connolly's saloon; I saw him on the 6th December at my own house; he had a black hat and two coats on; he was cleanly shaved; I said to him, "You murdering thief, what are you doing here? you ought to be ashamed of yourself; why don't you give yourself up like a man?" he said he was going to stand a trial; I asked him why he brought the woman to the brook; he said he wanted to wash him; I asked him why he had killed her; he said he would not have done it only for what he saw Madden do to his wife; he went away after that.

Thomas Madden sworn—I was with David Moore on Thanksgiving Day; we were both drinking all the day; we drank two quarts of whiskey from twelve o'clock until four; we then went out; he asked me to come down to the house; I refused to do so, but went down later; after we talked some I lay down upon the floor and Dave Moore put a coat under my head; I lay there until my mother came and woke me up, then I went home.

The witness was cross-examined at great length by Mr. Mills, and he was made to contradict himself in several points.

Margaret Quaid, mother of the previous witness, deposed to finding her son down at Dave Moore's on Thanksgiving night.

Terence Connolly was next examined, but his evidence was not material. The trial was then adjourned until half-past nine o'clock this morning.

NICARAGUA.

The Survey for an Inter-oceanic Canal.

Progress of the Operations—The Line Commenced at the Mouth of the Ochomogo River—Reconnoissance of Lakes Nicaragua and Managua.

LA VIRGEN, Jan. 17, 1873.

In letters last year the HERALD was duly advised of the surveys made by the United States surveying expedition for an interoceanic canal through this isthmus, under the command of Captain Chester Hatfield, United States Navy, who, for the short time he had here for the work, accomplished much, but, on account of the rainy season, was compelled to return home. Captain Hatfield was very active and competent, and deserves great credit for the services he rendered the government.

THE UNITED STATES SURVEYING EXPEDITION.

On the 3d inst. Captain Edward P. Lull, officers and men of the expedition arrived here in the lake steamer, and took quarters at the same places as the former expedition last year, Captain Lull being the guest of Mr. Ran Runnels, and the officers, &c., occupying one of his cottages. Mr. Runnels' long residence in this country enabled him to give much valuable information and services.

The object of the expedition is to make surveys and ascertain the most practicable route for an inter-oceanic canal through this Republic, and has come out under the command of Captain Edward P. Lull, who, the moment he arrived, organized and despatched the different parties for their respective fields of operation. Party number one is composed of Lieutenant Leutze (in command), Lieutenant J. W. Miller with the level, Assistant Civil Engineer J. F. Crowell with the transit instrument, five petty officers and seamen acting as polemen, rodmen and chainmen and twelve natives as macheteros, cooks and muleteers.

The route this party is now surveying commences at the mouth of the Ochomogo River, goes up to its head, and then crosses over on the Pacific side to the port of Escalante. The exact distance has not yet been determined, but it will probably be about thirty miles.

Lieutenant W. W. Rhodes commands the second party, First Assistant Engineer George M. Greene running the transit and Lieutenant J. F. Moser the level. There are about the same number of rodmen, chainmen, &c., as in party No. 1. This line commences at the mouth of Rio del Medio, runs out to the plains, crosses the cordillera and runs down to the port of Brito on the Pacific side. The distance is about sixteen miles. This will no doubt be the route selected for the canal, unless a better one should be found between this and San Juan del Sur.

A tide-gauge party has gone to Brito in charge of Ensign Kosworth Niles, with petty officers and two men.

The Sapra line, which was surveyed last year, is the old favorite route of the French company and Monsieur Felix Belly. But the United States Surveying party found it to be impracticable, as the summit over the cordillera is 760 feet above the level of the sea. This is to be regretted, as it has one of the best ports—at Salinas—on the Pacific.

Midshipmen J. D. Keeler, Francis Winslow and E. M. Hughes return to the United States. These officers remained here during the past rainy season, in command of this station and the steam launch and were engaged in hydrographical surveys on the lake.

In a few days Captain Lull, with Chief Engineer A. G. Menocal and Master J. M. Hawley, will make a reconnoissance through the lakes of Nicaragua and Managua to the Bay of Fonseca, on the Pacific. This line was indicated by Louis Napoleon while a prisoner at Ham. Should the reconnoissance show anything favorable in that line, then a regular survey will be made of it.

The officers of the expedition have made a very favorable impression upon the people of this country, and the commander is considered to be "the right man in the right place."

When the surveys between the lake and the Pacific Ocean have been completed the expedition will then go down the San Juan River and commence work, then to the port of Greytown, or Monkey Point on the Mosquito coast.

The line from the lake to the Pacific runs through many beautiful cocoa and indigo estates, and the most of them are in a good condition of cultivation. The climate here is healthy for foreigners, and labor from abroad will, no doubt, be brought here for the works of the great enterprise, should a practicable route be discovered.

ST. VALENTINE'S DAY.

The Lover's Festival—How the Custom Originated and How It Is Carried Out.

In the year 270 Anno Domini, Valentine was beheaded at Rome, and was in due course of time canonized. He was a bishop and is said to have been "a man of most admirable parts and famous for his love and charity." Because of his great love it is supposed that lovers regard him as their special patron, and on this day (February 14), which is assigned him in the calendar, they make their vows of fidelity to each other. In ancient times a peculiar custom was practised on St. Valentine's Day. The names of the young men and maids were each written on slips and placed in boxes; the young men drew at random from the box in which were the maidens' names and the maidens drew from the other box. The names thus drawn were called the valentines. It is stated that on this day the birds choose their mates, which may be considered a very material reason why the lords of creation should choose their mates, or announce to those already chosen the feelings which agitate their manly bosoms. How touching, for instance, is the following:—

If you love me as I love you,
No knife can cut our love in two.

What maiden could withstand so tender an appeal, especially when it comes to her printed in gold letters partly hidden in laced paper and surrounded by a wreath of little paper roses and forget-me-nots and evergreens, with a true-lover's knot at the bottom of the page? How many tender hearts have been made captive by that beautiful distich it is impossible to say, for it has been doing effective work ever since

THE PRACTICE OF SENDING VALENTINES

commenced. When was that? is a conundrum which the oldest living inhabitant must "give up."

In this city the valentine business is much larger than is generally supposed, and during the past few weeks many shop windows have been filled with works of art of all degrees and expressing all the different sentiments of the human mind. Love, charity, kindness, hate, jealousy, envy, disgust: all are considered by the valentine maker, and a ready made missive can be obtained to give full expression of the ruling passion. Love, of course, comes in for the largest variety of expressives. From ornamental, gilded and enameled boxes, costing hundreds of dollars, and filled with choice gifts and gushing poetry, down to a half sheet of common printing paper, costing about one cent, and ornamented with what looks like the portrait of a fresh liver and a hand big enough for a Fourth ward butcher, surmounting the words—

I send thee here my heart and hand;
Oh! wilt thou give me thine?
Thou art the fairest in the land,
My darling Valentine.

If the darling did not wilt after such a proffer she must be obdurate indeed, and could scarcely be captured by the picture of a plump little boy, with small wings and large eyes (the latter turned heavenward), who appears with his elbows resting on some damp clouds and his finger nails stuck in his mouth, while the clouds form a halo around these soul-entrancing words:—

If thou 'lt be mine,
Then I'll be thine.
I'll call thee, sweet,
My Valentine.

The custom of sending valentines has latterly been dying out, as, like all pretty practices, it was abused and made to be the means of communicating evidences of the meaner qualities—spite, hate and such like—while gifts and tokens such as were formerly considered part of the duty to St. Valentine are now distributed on New Year's Day or Christmas. From general appearances it may be deduced that the custom will be well carried out this season and the postmen's bundles be to-day much heavier than usual.

THE DIAMOND CROSS.

Mr. "Gus" Phillips, known as "Oofty Gooft," and who acquired some fame as an actor at the Grand Opera House in the winter of 1871, was arrested yesterday on a Sheriff's warrant, on the complaint of Louise Schaffer, who charged him with unlawfully retaining a diamond cross and some other jewelry, loaned to him by her on his appearance at the Grand Opera House.

Mr. Phillips was held in $1,250 bail.

LET THE SPIRITUALISTS INTERVIEW NESBITT.

NEW YORK, Feb. 12, 1873.

TO THE EDITOR OF THE HERALD:—

As Mr. Colfax states that $1,000 of the money he deposited in June, 1868, was given to him by the late George F. Nesbitt, I would suggest that the testimony of the latter be obtained. This can be done through the assistance of a spiritual medium. Let the Crédit Mobilier Investigation Committee see to it that this is done. Yours, respectfully,

HIRAM GREEN.