THE COURTS.

The Carl Vogt Extradition Case.

Important Question Affecting the Wine Trade of the United States.

Suit for the Condemnation of a Distillery.

A SPEEDY DIVORCE SUIT.

Business in the Oyer and Terminer and General Sessions.

Charles G. Bartlett, second mate of the brig Oneco, was brought before Commissioner Shields yesterday on a charge of deserting from his ship. He was held in $500 bail for examination.

Frederick Carl Henrick Goeleche, a sailor, of the Danish brig Sjalland, was brought before Commissioner Osborn on a charge of deserting from that vessel. The accused was held to await the action of the Danish Consul.

In the United States Circuit Court yesterday Judge Smalley called the cases on the calendar and found that none were ready. He said that his patience was worn out, and that he found business had been very loosely conducted in that Court, and he was going to stop this thing. When cases were called if they were not ready judgment would be entered by default or they would be dismissed.

An example was made yesterday for the consideration of the horse car thieves by Recorder Hackett, in the General Sessions, on the person of Michael Mahoney, which, it is to be hoped, will have some effect. Mahoney, as was sworn to, seized a gentleman on the front platform of a Third avenue car and with violence robbed him of his pocketbook containing $50. Mahoney was particularly unfortunate, inasmuch as a policeman was near and arrested him. Finale—Twenty years at Sing Sing.

The Supreme Court, General Term, has adjourned to the 22d inst. Among the cases on the calendar is that of Stokes on the application for a new trial. Notes of issue for the May term must be filed on or before Saturday, the 26th inst.

Two burglars were tried yesterday before Judge Brady, in the Court of Oyer and Terminer. Through a flaw in the indictment one got off easier than he otherwise would, and the other, who pleaded guilty of grand larceny, was sentenced to the State Prison. The trial of George Schiefflin, charged with the murder of his wife, will be commenced to-day.

UNITED STATES CIRCUIT COURT.

The Case of Carl Vogt—A Prussian Extradition Case.

Before Judge Smalley.

Yesterday, in this Court, Mr. Kintzing, as counsel in the case of Carl Vogt, whose extradition has been demanded by the government of the German Empire for the alleged crime of murder, on which he has been held for examination by Commissioner White, made an application for a writ of habeas corpus and certiorari directed to the United States Marshal, asking him to show cause why Vogt is detained in custody.

Judge Smalley said that, as he was ill, he wished the application might be made either to Judge Blatchford or Judge Woodruff.

The application is based on the ground that, under the Extradition treaty between the German Empire and the United States, there is no legal right to initiate a proceeding for the arrest of a fugitive charged with the crime of murder in a territory foreign to the jurisdiction of the German Empire. Vogt is charged with committing murder in Brussels, and his extradition is sought by the German government under a law which makes a native of Prussia (Vogt being a Prussian) amenable to the law of Prussia for a crime committed on a foreign territory. Counsel for the prisoner contends that this particular law cannot be extended to extradition cases.

UNITED STATES DISTRICT COURT.

The Wine Trade—An Important Question of Taxation.

Before Judge Blatchford.

An important question affecting the manufacture of wine in the United States came up yesterday in this Court. It is claimed by the government that under the act of July 20, 1868, as amended by the act of June 6, 1872, domestic champagne is subject to a tax of twenty cents on quart bottles and ten cents on pint bottles when the carbonic acid gas is infused into the wine by artificial process instead of being generated by the natural process of fermentation. It appears to have been the object of Congress in its legislation to encourage the manufacture of domestic wines by declaring that all wines made in the United States from native grapes should be free of duty. Nevertheless, some misunderstanding seems to have arisen upon the subject, for Mr. J. M. Blum and Mr. L. Siegel, native champagne dealers and manufacturers in this city, refused to pay the tax in question and submitted to a seizure for the purpose of testing the question whether, under the law, they were obliged to pay the tax alluded to.

Yesterday ex-Judge Pierrepont appeared as counsel for the parties named, and argued that the Internal Revenue Department had no more authority to tax native champagne where the gas was infused into it than they had to tax a man for pouring champagne down his throat.

Mr. Thomas Simons, United States Assistant District Attorney, was heard on the other side on the part of the government.

Judge Blatchford took the papers and reserved his decision, but in the course of some remarks intimated that his views, as at present advised, were adverse to the position taken by counsel for the government.

Action for the Condemnation of a Distillery.

Yesterday, in the United States District Court, before Judge Blatchford and a jury, the cases of the United States vs. Distillery Property and Real Estate, seized at the corner of First avenue and Thirty-eighth street, was heard. The suit was brought for the condemnation of all the property, on the ground that the proprietors, Yetter & Co., were legal distillers of brandy from fruit, and the government charged that they were distilling whiskey from molasses. Mr. Luther W. Emerson, counsel for the claimants, contended that there had been no violation of the law.

The jury found a verdict for the claimants.

SUPREME COURT—CHAMBERS.

Applying for a Divorce During the Honeymoon.

Before Judge Barrett.

In December last James H. Whitney was married to Margaret E. Johnson, of Boston. The honeymoon had not expired before he began proceedings for a divorce, in which he was successful. The decree, it appears, was granted on the testimony of her having committed adultery with a man at the Parker House, in Boston. Motion was made yesterday to set aside the decree. It was claimed on her side that they lived as man and wife after the proceedings were commenced, of which she knew nothing until afterward, she having been allowed by her husband to go on a visit to New Orleans, and in her absence the divorce was procured. It was urged on his side that he was inveigled into the marriage when drunk. Judge Barrett took the papers, reserving his decision.

Seeking to Recover Money from Counsel.

Mary Jane McFarrell claims to have been seduced by Captain Charles A. Marshall, of the packet ship Alexander M. Marshall. She avers further that she employed George A. Mott as her lawyer, and gave him full power of attorney to settle the case; that he obtained $2,000 from Captain Marshall and that he gave her $500, saying that was all he obtained, and from this amount exacted $25 as counsel fee. She brings suit to recover $1,525. Her story is denied by Mr. Mott. The Court ordered a reference to inquire into the facts of the case.

Decisions.

In the matter of the petition of Mary Parssell.—Memorandum for counsel.

In the matter of the estate of Rachel Vonderbeck.—Petition dismissed and application denied, without costs.

Tredwell vs. Pomeroy.—Memorandum for counsel.

Foxley vs. Foxley.—Report overruled and judgment of divorce denied.

Schwarz vs. Schwarz.—See memorandum.

In re. Petition of Ellen J. Long et al.—Bill of costs approved and adjusted at the amounts specified therein.

Cooper vs. Drucken.—Motion granted, with $10 costs.

Bacon vs. Bacon.—Report confirmed and judgment of divorce granted.

In the matter of the application of William Kirchner, to compel Channing to pay money, &c.—Report confirmed and motion denied, with $10 costs and all disbursements, including referee's fees.

Rosenberg et al. vs. Smith.—Motion granted; $10 costs.

Gage vs. Thompson et al.—Report confirmed and order granted.

Van Keller vs. Stensberg.—Motion denied.

Seymour vs. Gaynor et al.—Report confirmed and order granted.

Vose vs. the Florida Railroad Company et al.—Application to receive and file petition to approve of the surety and to grant order for the removal of the cause denied.

Clemens et al. vs. Clemens et al.—Reference ordered to take proof.

Smith vs. Britton—Pleadings and proof of service are wanting.

In the matter, &c., of Moser Ehrich.—Report confirmed and order granted.

By Judge Fancher.

Vandervoort vs. the Mayor—Motion for mandamus to audit the relator's claims granted.

COURT OF OYER AND TERMINER.

Helped Through an Erroneous Indictment.

Before Judge Brady.

Edward Dent, a young man, was called up for trial yesterday in this Court on a charge of burglary. The indictment set forth that on the 15th of last March the prisoner broke into the basement door of the dwelling house 705 Lexington avenue, that the house belonged to Townsend Wandell, and that Frederick Wandell was in charge of the premises at the time. The evidence disclosed that the house was left to Townsend Wandell in trust as executor, and that it was Frederick Morris who was in charge of the house. Mr. William F. Howe, the prisoner's counsel insisted that owing to the variances in the indictment and proof there could be no conviction. Judge Brady, the fact of the burglary being conclusively proven and the identification of the prisoner complete, overruled these objections, to which Mr. Howe excepted and said that there could be a conviction of burglary in the third degree. A verdict to this effect was found by the jury without leaving their seats. Mr. Howe requested a delay in passing sentence to enable him to prepare his exceptions, which he believed to be perfectly legal and valid. Judge Brady granted the request, but intimated his belief that no good would come of it to the prisoner.

A Mere Question of Time.

John Johnson became enamored of a beautiful ormolu clock, valued at $250, the property of Mrs. Aimes, of 77 Clinton place. Having allowed his infatuation to carry him to the extreme of stealing the clock he, as a very natural sequence, found himself arraigned at the bar of justice. The indictment against him was burglary. Mr. Abe H. Hummell did his best to rescue him from the meshes of the law, but after the examination of one witness he prevailed on the prisoner, as the only saving clause in his case, to plead guilty of grand larceny. His plea the Court accepted, and he was sentenced for five years to State Prison.

Case of Schiefflin.

The case of George Scheifflin, indicted for the murder of his wife, will be commenced this morning.

SUPERIOR COURT—GENERAL TERM.

Decision.

By Judges Barbour, Monell and Van Vorst.

Mary Luddington et al. vs. Abraham B. Miller et al.—Motion to dismiss appeal denied. Opinion by Judges Monell and Barbour.

SUPERIOR COURT—SPECIAL TERM.

Decisions.

By Judge Sedgwick.

Melius vs. Courteney.—Motion to set aside summons granted, with leave to renew, because the papers do not show the nature of the present action. Order granted.

Wilken vs. Crow.—Discontinuance ordered on payment of taxable costs as of day when case was called for trial, and $250 allowance. 4 Con., p. 552; 3 R. S., p. 615, sec. 16; Code, secs. 317, 319. Order granted.

Guinden vs. Pratt.—Reference ordered.

Souder vs. Hoffman.—Order denying motion.

Simonson vs. Simonson.—Reference ordered.

Candler, Jr., vs. The Mechanics and Traders' Insurance Company.—Order to file security, or in default thereof complaint to be dismissed.

Coddington vs. Dunbane.—Order granted.

By Judge Van Vorst

Henderson vs. Bruce.—Order signed.

By Judge Barbour.

Smith vs. Smith.—Case settled.

MARINE COURT—PART I.

A Horse Case Extraordinary.

Before Judge Curtis.

Kenny vs. Hamilton.—In this case the plaintiff, Dr. Kenny, sued to recover $600 damages for breach of warranty of a horse. He testified that he bought a horse from defendant, which the latter warranted sound and kind, and able to trot in three minutes; that after the horse came into his possession he discovered, as testified to, that he was foundered, had sprung knees, contracted hoofs, a blood spavin, a splint, the epizooty, and, in fact, that he was afflicted with all the ills that horse flesh is heir to, and that instead of his mile in three minutes trotting his best time was 4:27 in a gallop. Harry Hamilton, the defendant, swore that he did not warrant the horse; that he told the plaintiff that the horse's hoofs were contracted, and that all of the Winfield stock had "sprung knees;" that the other complaints of the animal were the result of the overdriving and ill treatment of the animal after he came into his possession.

Judge Curtis charged the jury:—First to find whether there was a warranty or not; if there was, and the jury were satisfied that the animal was unsound at the time of the sale, that the plaintiff was entitled to recover the amount paid as a measure of damage.

The jury found for defendant.

MARINE COURT—PART 3.

Action on an Advertising Contract.

Before Judge Howland.

Dobson vs. Burtis et al.—In the Fall of 1869 the plaintiff's assignor, Mr. Izod, entered into a contract with the defendants to have four of their advertisements in frames hung on the Jersey City ferryboats for one year for the sum of $60, which contract was carried out by all parties. Shortly after the expiration of that time Izod called again, and introduced the subject of their continuance for another year, when, he claims, that an agreement was entered into by which the four frames mentioned, together with four others to be furnished by defendants, were to be displayed for the ensuing year for the sum of $100; that he afterwards called for them when defendants declined to deliver them, and that he (Izod) carried out the agreement on his part by displaying the four frames in his possession and reserving spaces for the other four. This suit is brought to recover the $100. Mr. Burtis denies the agreement sued on, saying that conversation was had and the price canvassed, but that he gave no positive order, and that at a later interview he notified Izod that he would have nothing to do with him, as the company had warned him that no authority to take such advertisements existed; that Izod then agreed to bring him a letter from the company showing that he had authority, but that this was never produced, and that no bill was ever presented to him.

Mr. Izod, on being recalled, said that he did show defendant the paper called for, which was the vacation of an injunction against him, and testified that he did present a bill, which defendant refused to accept. Verdict in favor of plaintiff for $100, with interest.

COURT OF GENERAL SESSIONS.

Robbery on a Third Avenue Car—The Highwayman Sent to the State Prison for Twenty Years.

Before Recorder Hackett.

The first case tried by the jury yesterday was an indictment for robbery in the first degree against Michael Mahoney. It only took a few minutes to try it, the facts being within a small compass. The complainant, Mr. Peter R. Corson, testified that while he was returning home on a Third avenue car, on the evening of the 5th instant, about half-past ten o'clock, the prisoner came on the front platform, seized him by the neck and stole a pocketbook, which contained about fifty dollars. An alarm was given, and, fortunately, Officer Webb was near by, and promptly arrested the prisoner. The jury rendered a verdict of guilty. Mahoney addressed the Court, and said that he did not use violence to Mr. Corson, but admitted that he was guilty of larceny from the person.

The Recorder, in passing sentence, observed that he sent Mahoney to the Penitentiary last year for larceny. He was sentenced to the State Prison for twenty years upon this conviction for robbery.

Grand Larceny.

Mary Randall was tried and convicted of stealing $39 from Charles Zipp, at a disreputable house in the Bowery, on the 4th inst., and was sent to the State Prison for two years.

Acquittals.

James Quinn and William Lansing (boys) were acquitted of a charge of grand larceny. They took an express wagon, belonging to John Schliemann, on the 24th of March, which was standing opposite a store in Broadway, and were driving off with it when its owner caught and arrested them. The defendants proved by respectable witnesses that they were engaged by a gentleman in a store to take a package to the Long Branch boat, and, having established their good character, the jury rendered a verdict of not guilty without leaving their seats.

Michael Connolly was also found not guilty of grand larceny, the allegation being that on the night of the 21st of December last he stole $51 from James Shields while Shields and his brother were engaged in a wrestling match. Mr. Mott defended the accused and showed a state of facts which convinced the jury that his client was innocent.

Assault and Battery.

Joseph McDermott, who was indicted for stabbing Michael Kehoe on the 9th of February last with a knife, pleaded guilty to assault and battery. He was sent to the Penitentiary for one year.

Forgery.

William P. Butler alias George B. Savage, against whom were three charges, pleaded guilty to forgery in the third degree. The complaint alleged that on the 19th of April, 1870, the prisoner went into the place of business of William Mills, No. 7 Warren street, and procured $70 upon a draft made payable to Thomas H. Bate & Co., which was afterward found out to be a forgery. Butler was sent to the State Prison for five years.

JEFFERSON MARKET POLICE COURT.

A Zealous Citizen in Difficulty.

A man named Crump Ormsby was arraigned before Justice Ledwith at the Jefferson Market Police Court yesterday, on a charge of disorderly conduct. The complainant was a respectable gentleman named William Maxwell, who has an office at 609 Broadway. Ormsby, who claimed to be a "semi-official," seemed to have been in search of the publishers of obscene literature or other violators of the law in mailing the same. He met a little girl in the employ of Mr. Maxwell coming down the stairs at the place mentioned with a bundle, which he insisted on opening and examining, and when Mr. Maxwell came out and interfered Ormsby sent out for an officer and had him arrested. In the court room he refused to explain his action or give his authority, and the Justice held him to bail in the sum $500 for good behavior.

An Aggravated Assault and Battery.

Patrick Wood, a denizen of "the rocks," was charged with assault and battery on Michael Bowen, throwing him down and so beating him on the head with a stone that he was taken to the hospital in a dangerous condition. Patrick was committed without bail to answer.

COURT CALENDARS—THIS DAY.

Supreme Court—Circuit—Part 1—Held by Judge Fancher.—Nos. 879½, 465, 1015, 923, 979, 789, 1011½, 13¼, 47, 109, 909, 1821, 2497, 833, 925, 929, 1395, 1382, 2345, 2369. Part 2—Held by Judge Davis.—Nos. 2182, 2223, 980, 14, 442, 652, 912, 996, 1008, 1086, 1617, 1618, 1619, 552, 668½, 1130, 592½, 1132, 428, 2254.

Supreme Court—Chambers—Held by Judge Barrett.—Nos. 47, 80, 87, 147, 148, 149, 152, 153, 160, 184, 187, 198, 201, 203, 204, 215, 217, 218, 223, 224, 228. Call 235.

Superior Court—Trial Term—Part 1—Held by Judge Freedman.—Nos. 2039, 2029, 2049, 339, 2163, 1503, 2431, 2059, 2063, 2081, 1521, 2027, 2087, 869, 2125, 2126, 2127, 2128, 2161. Part 2—Held by Judge Curtis.—Nos. 2026, 314, 50, 1690, 1548, 2410, 1710, 1716, 1718, 1720, 1740, 1742, 1744, 1748, 1750, 1752, 1754, 1758, 1760, 1752, 1766, 1770, 1736, 1788.

Court of Common Pleas—Equity Term—Held by Judge Robinson.—Nos. 65, 67, 30, 53, 57, 59, 62, 69, 22, 24, 29, 44, 45, 46, 51, 55, 58, 66, 56.

Court of Common Pleas—Trial Term—Part 1—Held by Judge Daly.—Nos. 2921, 612, 613, 1599, 1632, 1352, 1961, 1852, 2495, 487, 1964, 322, 40, 1949, 536. Part 2—Held by Judge Larremore.—Nos. 1759, 2035, 1760, 2085, 2094, 2095, 2096, 2097, 2098, 2100, 2101, 2102, 2105, 2106, 2107.

Marine Court—Trial Term—Part 1—Held by Judge Curtis.—Nos. 588, 1879, 1914, 1918, 1902, 1618, 1678, 1754, 1755, 676, 1826, 1664, 1522, 1906, 2286, 1530, 1836, 1610. Part 2—Held by Judge Spaulding.—Nos. 2198, 1874, 1776, 1597, 442, 1393, 1769, 1811, 1855, 1825, 1921, 1923, 1925, 1927, 1929, 802. Part 3—Held by Judge Haviland.—Nos. 2265, 1491, 2183, 1804, 1740, 2279, 2322, 2268, 1839, 2234, 2055.

BROOKLYN COURTS.

SUPREME COURT—SPECIAL TERM.

Lucette Meyers Released.

Before Judge Tappen.

Mrs. Lucette Meyers, alias Armstrong, the imprisoned witness in the Goodrich case, was yesterday taken before Judge Tappen, in the Supreme Court, and released on her own recognizance. District Attorney Britton said that when the Court fixed the amount of the prisoner's bail at $1,000 it was presumed that there would be a rush of people to become security. It was a fact, however, that not one person had offered to furnish bail for her, and under these circumstances and in view of the fact that the authorities were of the opinion that the ends of justice no longer required her detention, Mr. Britton moved that she be released on her own recognizance.

Judge Tappen directed that an order to that effect be entered, and Mrs. Meyers was subsequently released.

Question of the Legality of an Assessment.

Before Judge Pratt.

The Court of Appeals several years since decided that an assessment in the matter of the opening of Prospect avenue (Middle street), on certain lots not fronting on the street, was improper, there being an intervening lot between the street and the property in question. Yesterday Joseph H. Sawyer moved that the assessment on one of his lots on that street be vacated, on the ground that the map used for assessment purposes showed that this lot did not touch the street. It appeared, however, that he owned the intermediate lots, and Assistant Corporation Counsel Jesse Johnson argued that this being the case all of his property had been properly construed as adjoining the street. The Court sustained Mr. Johnson, and the motion to vacate the assessment was denied. It would appear from this ruling that the decision of the Appellate Court applies only to cases where the party does not own property to the street.

COURT OF SESSIONS.

Convicting a Check Swindler.

Before Judge Moore and Associate Justices.

On the 28th of January last James Burgess, alias Primrose, entered the Mechanics' Bank and proffered a check for $600 purporting to have been made by Samuel Henderson, a Myrtle avenue business man, and asked to have it cashed. The cashier suspected something wrong, and said that he would send down to Mr. Henderson, with whom he is personally acquainted, and see if the check was all right. While the messenger was absent Burgess slipped out. Inquiry of Mr. Henderson revealed the fact that that gentleman had made no such check as the one presented, but he stated that Burgess had, by false pretences, previously obtained from him a check for $18. Burgess had altered the amount of the check to $600. He was subsequently arrested, and, when produced in the Justice's Court, it was discovered that he had rid himself of his beard. Notwithstanding the change in his personal appearance he was fully identified, and yesterday a jury in the Court of Sessions convicted him of forgery in the third degree. He was remanded for sentence.

An alleged accomplice in the fraud was arrested and held for trial. While awaiting trial they attempted to escape from the Raymond street jail, but were discovered and removed to a safer quarter of the building. The wife of each are also held on the charge of aiding them in their effort to escape.

BROOKLYN COURT CALENDAR.

City Court.—Nos. 24, 231, 174, 72, 151, 250, 5, 86, 134, 189, 105, 106, 110, 112, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, 125, 126, 128, 130, 131, 132.

SUPREME COURT CALENDAR.

Rochester, N. Y., April 14, 1873.

The following is the calendar for the General Term of the Supreme Court for Tuesday, April 15:—Nos. 81, 82, 84, 85, 88, 89, 98, 99, 100, 102, 103, 106, 111, 112, 113, 115.

UNITED STATES SUPREME COURT.

An Important Opinion Affecting the Rights of States—The New Orleans Slaughter House Monopoly Sustained Against the Butchers—Dissenting Opinions.

Washington, D. C., April 14, 1873.

The following opinion was delivered in the Supreme Court to-day:—Butchers' Benevolent Association vs. Crescent City Live Stock Landing and Slaughter House Company—Error to the Supreme Court of Louisiana, and two other cases.—In these cases it is complained that the incorporation of the Landing and Slaughter House Company by the Legislature of the State, giving it the privilege of erecting an exclusive landing for live stock and a slaughter house for the whole city of New Orleans, in which all butchers must do their slaughtering on such terms as shall be prescribed by the company, was a re-establishment in all its essential qualities of slavery, forever abolished by the thirteenth amendment, and a violation of the fourteenth amendment, which provides as follows:—"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or prosperity without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

It revives slavery, it is said, by making all the people of New Orleans who are engaged as butchers, or may wish to engage as such, the servants of the seventeen corporators of the company, who are the dominants, and placing them and their business at the mercy of these seventeen men. It is a violation of the fourteenth amendment, it is urged, because it deprives the butchers of the city of the use of the slaughter houses, and other property which they have employed in this business, and of the business itself, which is given over as a monopoly, unless they will go to the monopoly for the privilege of continuing it. The Court below held that as the charter of the company was for the purpose of protecting the health of the city, the object was within the lawful scope of legislation, and that, as the operations of the company were to be under certain prescribed restrictions, and for the benefit of the city, there was a sufficient consideration for the grant of privileges and the charter was valid. It is here held to be the right and duty of the Legislature, the supreme power of the State, or of the municipality to fix the location where the business of slaughtering for a great city may be done, and that to do this effectually it is necessary that all persons who slaughter animals shall do it in these places and nowhere else. The law in this case does not prevent the butchers from doing their own slaughtering. On the contrary the company cannot, under heavy penalties, prevent any person from slaughtering in their houses, and it is bound to make ample provision for the convenience of all. The wisdom of the monopoly granted may be questioned, but there is no justification for the assertion that the butchers are deprived of the right to prosecute their occupations or the people of their daily service of food. The power exercised is in its eccentric nature one which has been, up to the present period in the constitutional history of the country, always considered to belong to the State. Upon it depends the security of social order, the life and path of the citizen, the comfort of an existence in a thickly populated community, the enjoyment of private life and the beneficial rise of property. It extends to the protection of the lives, health, comfort and quiet of all persons, and to the protection of all property within the State. The regulation of the business of slaughtering animals within a city, and the inspection of the animals to be killed for meat, and of the meat afterward, are among the most necessary and frequent exercises of this power, and the exclusive authority of the State Legislature over this subject is well settled. The answer to the objections raised under the thirteenth amendment is that personal servitude is there meant as plainly indicated by the word "involuntary." In respect of the claim under the fourteenth amendment it is said that the first clause of the first section of that amendment was primarily designed to establish the citizenship of the negro race born in the United States, and the second article to give an authoritative definition of citizenship of the United States and of citizenship of the several States. This clause recognizes and establishes citizenship of a State and citizenship of the United States as different things and defined by different characteristics. It is the privileges and immunities of citizens of the United States which are protected by this clause of the fourteenth amendment from hostile action of the States and not the privileges and immunities of citizens of the several States. These latter are defined by Justice Washington, in Corfield vs. Cayoll, and by this Court, in Wood vs. Maryland, in a manner to embrace nearly all fundamental civil rights, for the establishment and protection of which organized society is instituted. The privileges and immunities of citizens of the United States, some of which are enumerated, are distinct from citizens of the States, and it is those privileges and immunities which are by this clause of the amendment placed under the protection of the federal government. If plaintiffs in error have any privileges and immunities infringed by the defendants' charter, which is not conceded, they are such as depend on citizenship of the United States, and are not within the protection of that clause of the fourteenth amendment, nor does that charter deprive plaintiffs of property without due process of law, nor deny them the equal protection of the laws, within the meaning of the fourteenth amendment.

Mr. Justice Field read the dissenting opinion on behalf of the Chief Justice, Justices Swayne, Bradley and himself maintaining that the right to follow any ordinary pursuit or avocation of life was not given by the law, but by the Almighty, and is merely recognized and protected by law; that the Legislature of the State of Louisiana has no more right to put all the slaughtering of nearly twelve hundred square miles of densely populated territory into the hands of the few corporators of this company than it had to put all the ovens of a large city into the hands of a privileges few; and holding that, the charter is unconstitutional and void.

Justices Swayne and Bradley also read separate opinions.

THE HUNDRED REFORMERS OF KINGS COUNTY.

Sixteen of the hundred reformers got together in the Directors' Rooms at the Brooklyn Academy of Music last night and held a meeting. Mr. Franklin Woodruff presided over their deliberations, which were not altogether harmonious. Mr. George, from the Legislative Committee, stated that he had got a copy of the bills relating to Brooklyn. They were referred to the Legislative Committee.

Mr. Hunter inquired what had become of the original charter that had been sent to Albany? The Hundred's charter has been so buried by amendment, that the committee are unable to recognize it.

Mr. Samuel McLean said he had a report to make upon the charter, but did not propose to make it in open session.

A motion was made to go into executive session.

The motion was opposed by Colonel Davis and other members of the committee.

Mr. Davis said he was desirous of having all the light possible upon this subject and was ready to expose these three-headed commissions which were robbing the tax payers.

The motion to go into executive session was lost.

Colonel Davis then offered the following preamble and resolutions:—

Whereas the negotiations between the Legislative Committee of this body and the Assembly at Albany has resulted in changing our charter in such a manner as to destroy its most valuable features, and particularly to retain the obnoxious provisions retaining three heads to several departments; therefore, be it

Resolved, That all the efforts of this association be directed to securing the passage by the Legislature of the charter originally adopted by this association.

Resolved, That no member of this association be authorized to propose any amendment to said charter, except upon his individual responsibility.

Resolved, That all commissions and heads of departments consisting of three members ought to be immediately abolished by the Legislature, and each department committed to one responsible head.

These resolutions were referred to the Legislative Committee without debate.

Mr. McLean attempted to suppress the resolutions, but was unable to do so. Colonel Davis assailed him as he pocketed the resolutions, and demanded a copy. Mr. McLean grew very red in the face and emphatically refused to reproduce the copy. A war of words ensued, during which the reporters, who had taken a copy of the resolutions as they were read by the secretary, quietly left the room. The encounter between McLean and Davis was highly relished by other members of the committee, who gathered around the disputants, ready to prevent any exhibition of the manly.

BROOKLYN COMMON COUNCIL.

A communication was received from the Board of City Works, at the regular weekly session of the Common Council yesterday, in relation to the Brooklyn gas companies. It is stated that the Nassau, People's and Brooklyn companies have agreed to a deduction of fifty per cent of the amount charged against them for unlighted lamps. The companies contend that many of the lamps furnished by the city are very poor, and that the wind extinguishes the lights. It is suggested that an inspector of street lamps be appointed, at a salary of $1,200. The matter was laid over for one week.

A motion to appoint Henry V. Dickevers as Supervisor of the Eighth ward, in place of Michael Foley resigned, was laid over for one week.

The Corporation Counsel was instructed to make a demand on the Excise Commissioners for $12,132, which amount is alleged to have been unlawfully retained by them from the time of their appointment to April, 1871.

The sum of $100 per year was voted to Hart Brothers for winding and taking care of the City Hall clock.

THE M'DERMOTT HOMICIDE.

There were no new developments in the brutal wife murder recorded in the Herald yesterday. The murderer is still confined in the Reception Hospital on Ninety-ninth street, in charge of a policeman. Although his wounds, inflicted in an abortive attempt to commit suicide, are severe they are not dangerous, and he will probably be transferred to the City Prison in a few days. He sent for Captain Killalea yesterday afternoon, but the interview was not of any importance, no new facts having been divulged which have not already been published. No time has yet been fixed by Coroner Herrman for holding the inquest. Ryan, the alleged paramour of the murdered woman, was on yesterday brought before Coroner Herrman and held in $1,000 bail to appear as witness when called upon.

WORK OF THE CORONERS.

On Sunday night Frank Sherry, living at 206 West Sixteenth street, took into his room from the street an unknown woman, about thirty-five years of age, and she died there before morning. The cause of death will be determined by Deputy Coroner Marsh, who is to make a post-mortem examination on the body. Coroner Young has the case in charge.

The body of an unknown man, thirty-five years of age, was yesterday morning found floating in the dock foot of Stanton street, by Officer Walker, of the Eleventh precinct, and sent to the Morgue. An inquest will be held by Coroner Young, who was notified.

Patrick McGowan, a married man, forty years of age, and a native of Ireland, died in Bellevue Hospital, from the effects of injuries received on the 10th instant, by jumping from a fourth story window of premises 505 West Nineteenth street, to the sidewalk. Coroner Herrman will hold an inquest in the case.

MUNICIPAL MATTERS.

BOARD OF ALDERMEN.

Important Communication from the Mayor as to Street Paving and Assessments—Confirmation of the Excise Commissioners—Removal of the Judicial District Court.

A meeting of the above Board was held yesterday, President Vance in the chair. The chamber was rather profusely draped with mourning out of respect to the memory of the late Alderman Gilsey.

THE FOURTH JUDICIAL DISTRICT COURT.

Alderman Cooper moved "that the premises on the northeast corner of Second avenue and First street be designated as a place for holding the above Court, and the Justice and clerks were directed to occupy these premises on and after the 1st day of May, and that they remove from the premises at present occupied." The resolution was adopted.

CHURCH PROPERTY ASSESSMENTS REBATED.

Alderman Van Schaick moved that the Comptroller be requested to report to the Board a detailed statement of all assessments on church or other property which have been vacated, remitted or cancelled by him from the 1st day of January, 1872. Adopted.

REBATE OF TAXES.

Alderman Van Schaick moved that the Comptroller be requested to inform the Board whether any rebate of interest on taxes on real or personal estates has been made by him during the years 1872 and 1873, and, if such rebatement has been made, to report a detailed statement to this Board. Adopted.

COMMUNICATION FROM THE MAYOR.

The following communication as to street paving and assessments, from the Mayor, was read by the Clerk:—

April 14, 1873.

To the Honorable the Common Council of the City of New York:—

I deem it my duty to call your special attention to the enclosed communication, addressed to me by the Comptroller, as it embodies the views of that officer upon one of the worst of the leaks of our City Treasury. My own experience in the matter of assessments and recent disclosures fully warrant me in saying that notwithstanding the check which the late governmental banditti have received, they still find herein a rich harvest of frauds which in the aggregate are a heavy load upon our already over-burdened tax payers, and the manner in which the Common Council see proper to authorize local improvements, though sanctioned by the precedent and free from all suspicion of wrong on your part, offers nevertheless, as the Comptroller's communication shows, an easy and ready excuse to set aside the assessments initiated and imposed in the accustomed fashion. The Comptroller is no doubt right in inferring that the laws which authorize assessments are loosely drawn and offer too many facilities for interested parties through the agency of sharp lawyers to relieve themselves from their just burdens and saddle them upon the taxpayers generally; still it may well be doubted whether the evils from which the public thus suffer are attributable so much to the laxity of the laws as to the incompetency, corruption and inattention to technical details of those charged with their administration. I fear it is too late to invite legislation for relief in the direction pointed to by the Comptroller during the present session, so it would be well were your honorable body voluntarily to adopt measures which would diminish a recourse to the courts for the evading of assessments. If you were to make it a rule of your body not to authorize any local improvements unless a majority of the owners who will have to pay the assessment in amount and number petition for the same, I think it is safe to predict that hereafter our courts would be comparatively free from litigation in this matter. Many of the assessments which in recent years have been levied upon property owners have been imposed and levied against their most earnest and vehement remonstrances, and were in some cases so unequitable in themselves that even well-meaning and law-abiding citizens were willing to aid in throwing from their shoulders the burdens thus foisted upon them. The manner in which favoritism conferred special advantages, as illustrated by a recent publication and diagram, offers some justification for the resort for legal relief from what frequently amounted to a confiscation of property. A careful study of the estimates and assessments for the past few years will very clearly demonstrate that when the City Treasury was to be depleted our city rulers and their next friends did not divide on party lines. It may be objected to the course I recommend, that the majority of the property owners on the line of any proposed improvement may not sign such a petition, although there may be an imperative necessity for the improvement. I have yet to learn, after some experience with those of our citizens who own unimproved and improved city property, that their self-interest is so inert that it is not to be trusted to do the necessary thing to make an improvement which will beneficially affect their property. The thing they will not do is prematurely to petition the Common Council, and it is well they should not. Many of the local improvements are instigated by real estate speculators, who buy on a margin in the hope of giving a momentary fictitious value to lots which for the purposes of the city's wants for habitations may not be required for a generation. Against such improvements and their consequent assessments substantial holders of real estate would set their faces. In any event the city in such a case would not be burdened with the cost of the improvement, but such improvement when made by and with the consent of a majority of the owners would, if the expense were equitably assessed, remain in all probability where it should rest, a self-imposed burden, for a more compensative than benefit to the owners of the property in the locality affected. The remedy I have suggested or some one equally effective, ought to be at once provided for by you. This fraud upon the public of proceedings with local improvements nominally at the expense of the parties whose properties are benefited while really the benefit is secured to them at the expense of the city at large, should be prevented, and I hope the subject will receive your early attention. Yours,

W. F. HAVEMEYER.

Alderman Van Schaick, in connection with the above, moved "that the Comptroller inform the Board whether there has been any applications or proceedings since 1872 to vacate any assessment of pavement ordered since that time." Adopted.

The documents were referred to the Committee on Law, on the motion of Alderman Ottendorffer, and were ordered to be printed in document form, and 500 copies printed.

QUARTERLY REPORT OF THE COMPTROLLER.

The quarterly report of the Comptroller was ordered to be printed in a document form and 500 copies to be printed. The contract to be awarded to the lowest bidder.

THE SYSTEM AND COST OF CITY CONTRACTS.

The Comptroller submitted a statement in reference to the contracts deposited and registered in the Comptroller's Office during the year 1872.

The payments during 1872 were as follows:—

First—On work payable in whole or in part from assessments, the means being derived from issue of assessment bonds, $1,947,765.

Second—Payable from taxation, $1,188,732.

Third—On work, the means for which are derived from issue of city stocks or bonds on account of permanent debt, $114,226.

The attention of the Board was also called to the great number of contracts for paving, regulating, sewering and otherwise improving the streets now in progress, for the payment of which it will be requisite to provide a large amount of money by the issue of bonds in anticipation of the collection of assessments upon such work.

The amount of bonds outstanding on the 31st of December, 1872, represents the advances to contractors and to others, who may be classed as follows:—Amount in advance to contractors and others on works now in progress and for which assessments are not yet confirmed, $5,287,676; amount in advance to contractors and others on work for which assessments have been confirmed, $4,110,423.

Taking into consideration this large debt incurred for the benefit of property owners, a portion of the above amount as shown being represented by assessments paid and open for collection, and in many cases due for a number of years, it is respectfully suggested that new works of this kind hereafter undertaken should be such as are necessary and called for by owners of property having to pay for them. If the property owners respond promptly to the requirements of the city and discharge their assessments the tax payers at large will thus be relieved from the burden of providing a large amount annually for interest accruing upon bonds and for enormous sums for vacated assessments.

The report was ordered to be printed in document form, 500 copies, and laid over.

THE ELM STREET ARSENAL.

The report of the Committee on Public Works was adopted requesting the Commissioner of Public Works to have the arsenal building, corner of White and Elm streets, properly repaired without delay.

THE NINTH JUDICIAL DISTRICT COURT.

Alderman Cooper submitted a report from the Law Committee and resolution recommending that the Clerk be authorized and directed to execute a lease on behalf of the city for premises situated on north side of 125th street, between Third and Fourth avenues, belonging to Messrs. Blodgett, for the use of the Ninth District Court and Fifth Police Court, for a term of ten years, from May 1, 1873, at the rent of $9,000. The rent paid for the present Courts, and which lease was made by W. M. Tweed, was $16,000 per annum. Accompanying the report was a letter from the Corporation Counsel, stating that the lease was fraudulently entered into. The resolution was adopted.

THE SIXTH JUDICIAL DISTRICT COURT.

A resolution was passed ordering the execution of the lease of 389½ and 391 Fourth avenue for a period of five years, from the 1st of May, 1873, at $2,500 per annum, for the Sixth Judicial District Court, being a saving of $2,500 per annum.

THE EXCISE COMMISSIONERS.

The following Excise Commissioners, appointed by the Mayor, came up for confirmation:—James L. Stewart, 320 East Fifteenth street; Daniel T. Marshall, 157 East Thirty-fourth street, and John R. Voorhis, No. 4 Bethune street.

Alderman Ottendorffer said that he had no doubt that the three gentlemen nominated by the Mayor were honest and capable men, and he had no doubt they were agreeable to the majority of the German people.

Alderman Kehr objected to the nomination on the ground that there was not a German citizen appointed.

Alderman Cooper earnestly supported the nomination and objected to the question of nationality arising.

Alderman Monheimer moved that the question be postponed to the next meeting.

This was lost, and on a vote the confirmation was made; the following five Aldermen voting in the negative:—Aldermen Koch, Kehr, Riley, Flannigan and Lysaght.

The Board adjourned to Thursday next at three o'clock.

COMPTROLLER'S RECEIPTS.

Comptroller Green reports the following amounts yesterday into the city treasury:—

RECEIVER OF TAXES.	
From taxes and interest	$4,724
COLLECTOR OF ASSESSMENTS.	
From street openings and improvements and interest	26,747
BUREAU OF ARREARS.	
From arrears of taxes, assessments, Croton rents and interest	5,387
BUREAU OF CITY REVENUE.	
From market rents and fees, &c.	108
Total	$36,967

THE NEGRO RIOT IN LOUSIANA.

Colfax Grant Parish in Possession of the Negroes—A Reign of Terror—The Whites Arming for Resistance.

[From the New Orleans Republican, April 10.]

The steamboats John T. Moore and La Belle bring some intelligence of the riot at Colfax, in Grant parish. The former boat passed that place on Monday, and the officers state that they saw a large body of colored men, armed with shotguns and other weapons on the bank, and they did not land. At Montgomery, twenty-five miles above, they had taken on board Judge W. R. Rutland, who stated he had been forced to flee from his home. He states that Representative Ward has taken armed possession of the court house at Colfax. Judge Rutland, fearing he would be assassinated if he remained their, went to Montgomery and remained there until taken on board by the John T. Moore. While away from home he learned his house had been sacked. As the boat passed Colfax it was hailed by Mr. Calhoun, but did not take him on board, being unable to make the landing on account of the violent wind. On arriving at Alexandria they learned the La Belle, which had passed them, had taken Mr. Calhoun on board, but that he had been taken off again under arrest by the Sheriff at Pineville. At Alexandria were a body of about two hundred armed men, who were going to Colfax to attack the rioters. These men took a six-pound cannon from the boat, and proposed to take it with them. They also took from the Durfee eleven casks of bacon and twenty barrels of flour. It was reported at Alexandria that the rioters were shooting all who refused to join them.

The La Belle, coming after the John T. Moore, made a landing a little below Colfax, and took Mr. Calhoun on board at Curry Point, very near his own plantation. Mr. Calhoun said he had been in the woods since Tuesday of last week, that his house had been seized by the rioters and he obliged to get away. At Colfax the boat was hailed by a woman. Mr. Calhoun stated that she was a teacher, from New Orleans, in a private family. On reaching Pineville the Belle was boarded by armed men from Alexandria, who took Mr. Galhoun off with them. They told him no harm would come to him if he was innocent, as he said he was, of creating the riot. He was searched, and a letter found on him from Representative Ward to Governor Kellogg, reciting the existing disturbance and asking for assistance. The Belle was obliged to come down and leave Mr. Calhoun in their hands, and it is feared he will suffer violence. The cause of the riot seems to be duplicate commissioning of the parish officers. Governor Kellogg had, at the instigation of Rutland and others, commissioned Nash sheriff, and others who ran on the Fusion ticket. Some of those on this ticket were of the party why are charged with having burned the house of Judge Phillips and murdered Recorder White September 25, 1871. Mr. Ward represented these facts to Governor Kellogg, who thereupon issued other commissions to the elected republicans. Mr. Ward took the commissions, went to Grant and demanded the offices. He was refused possession of the Court House, and then took it. Richardson and Rutland, who, it is alleged, had been in communication with the piney woods democrats, sent to them for assistance to retake the offices. Mr. Ward then ordered Rutland and Richardson to leave town. Dr. Cockrell and Mr. Paul, the Fusion candidate for sheriff, are leading the men from Alexandria, who are going to Grant to fight. It is believed that they will be reinforced from the parishes of Catahoula, Natchitoches, Sabine, Winn and Rapides. Hadnott, the member of the Odd Fellows' Hall Legislature, is said to be among the active members of the bands from the piney woods.

STATEMENT OF JUDGE RUTLAND.

Judge W. R. Rutland, who arrived here yesterday morning on the steamboat John T. Moore, furnishes the *Picayune* with the following version:—

The Lynch returning board ignored the election of obr parish officers and Mr. Kellogg appointed a set of men to fill the vacancies, but who did not qualify according to law, and allowed the time to elapse in which they are required by law to do it in. Mr. Kellogg, at my instance, commissioned all officers who were elected, including both republicans and fusionists, white and colored, except a parish judge, who had already qualified and was a republican.

Ward, a member of the Dryades street Legislature, learning that Mr. Kellogg was going to issue these commissions, hastened to Colfax and took violent and forcible possession of the Court House and offices with a mob. There was a proposition to hold a mass meeting of the people for the purpose of expressing their condemnation in a quiet way at the course pursued by these men, but when the day arrived for the meeting to have been called together there were such violent demonstrations made by Ward, Register and Flowers, and the armed band that was backing them, that the few white people who had the matter in hand did not pretend to do anything, but quietly returned to their homes without going near the Court House or assembling anywhere. After this I was advised by friends to seek safety, as my life was in danger. I took their advice and started to cross the river to Mr. J. C. Morantini's place, but when I got to the river I was interviewed by another friend, who told me that it would not be safe for me to return to this side of the river that night. After crossing the river I was met again by persons who told me there was a determination to assassinate me if I returned to the Colfax side of the river.

At twelve o'clock at night I found out that the mob had sacked my house and that they were going to attempt to cross the river and arrest me. I made my escape by Mr. Morantini furnishing me with a horse and guide, and I went to Montgomery, where I found my family, who had preceded me by boat. Since that time I have been quiet and have done nothing, remaining at Montgomery. I did not go out of town at all until I got on board of the steamboat John T. Moore to come to this place. In passing Colfax last Monday morning I was discovered on board of the boat by the mob of negroes, and my ears were greeted with prolonged and terrific yells from the shore, and many, mounting their horses, got their guns and pursued after the boat for some distance, some even following a distance of over seven miles.

I will state also, that on the way down the boat was hailed to take a Mr. Calhoun on, but she could not make the landing, owing to a very violent wind that was blowing at the time. The steamboat La Belle came along directly after and made the landing, and took Calhoun on, and passed us before we got to Alexandria. When we got to Alexandria I learned that Calhoun had been arrested and had been taken off of the boat. The gentlemen who took him from the boat stated that they were going to take him to Colfax and make him quiet the mischief and restore the peace that he was the prompter and head cause of, as he was principally responsible for what had been. But I do not believe (although, of course, I did not see the persons who had him in custody) that any violence against him was meditated; but it is hard to say what an angry set of men will do under such circumstances. I have good evidence to believe that the destruction of my property resulted from the failure to assassinate me, which had been premeditated.

The white people in Grant parish and in adjoining parishes were assembling to resist the encroachments of these men. Ward and his desperadoes have been and doubtless are now prowling about the country, taking horses, guns and whatever else they could lay their hands upon. Ward and his men, about a week ago, killed two peaceable colored men, and a perfect reign of terror is now instituted in Colfax. This is the first statement for any newspaper that I have made.

I will state that all my personal property has been taken away and destroyed; that the coffin spoken of contained the body of a little girl who died in Lake Charles in 1867, which I had taken up and was going to reinter in Red River, and that I learned in Alexandria, as I came through on Monday, that the negro mob had taken it out and burned it. A great many colored men were in Alexandria who had run away from Colfax to keep out of the trouble.

FIGHT IN A THIRD AVENUE CAR.

A Man Fatally Shot—Post-Mortem Examination.

On St. Patrick's night, John McGuire, a young man then living with his parents at 329 East Thirty-third street, attended a dance at Putnam Hall, Twelfth street and Third avenue, and at nearly four o'clock the following morning started for home. While walking up Third avenue, near Fifteenth street, McGuire said he noticed a general fight going on in a Third avenue car and stopped a few moments to watch its progress. As he did so, John heard a pistol shot, and at the same time felt a bullet penetrate his ankle and realized the fact that he was seriously wounded. An officer being present removed McGuire to Bellevue Hospital, where he remained under treatment till four or five days ago, when by his own urgent request he was removed to the residence of his parents, where he grew rapidly worse, and died last Saturday morning. Soon after the occurrence Captain Tynan, of the Eighteenth precinct, arrested several persons alleged to have been engaged in the car fight, and took them to the station house, and William Huke, a German, of 334 East Thirty-second street, was placed under arrest, and is now at large on bail.

The above version of the shooting came from the deceased and his father, but the police tell quite a different story. They state that McGuire was on the car himself, and took an active part in the fight till matters looked serious, when he left the car and took to the street. Deceased had a bad reputation, and the police are inclined to believe he shot himself. Yesterday afternoon Deputy Coroner Leo made a post-mortem examination on the body and found that death resulted from pyemia. Coroner Kessler has the case in charge.

A FEMALE SNEAK THIEF SWALLOWS A LOCKET.

Last evening a female sneak thief, seventeen years of age, giving the name of Amelia Miller, was caught in the residence of Mrs. Catharine Kent, 186 Grand street, Williamsburg. When discovered she had stolen a small gold locket and a skirt belonging to Mrs. Kent. The girl, on her way to the station house, swallowed the locket, shortly after which she complained of being sick and the Police Surgeon was sent for. A waterproof cloak and two dresses were found in her possession that had been stolen, and for which an owner is wanted.