THE COURTS.

THE TRIAL OF TAINTOR.

Continuation of Evidence for the Prosecution—Argument by Defendant's Counsel—Decision Reserved.

THE DODGE & CO. BANKRUPTCY CASE

The Matter To Be Inquired Into by the Court Upon Denial Filed by the Respondents.

BUSINESS IN THE OTHER COURTS.

The Shanks habeas corpus case was up for examination again yesterday before Judge Fancher, of the Supreme Court, and with the usual attendance of opposing counsel and a large and interested crowd of spectators. Having finished the preliminary skirmishing, an inquiry into the merits of the case was entered upon, but it had progressed but little way when Judge Fancher had to take his seat on the General Term bench. The testimony taken, Mr. Shanks being one of the witnesses, had reference to the order of commitment under which he was arrested. There are, it will be remembered, two documents, one of which is claimed by one side, and the other by the other side of the order of commitment. The further hearing was adjourned till the 5th of next month. Meantime Mr. Shanks was allowed to go on his own recognizance.

In the United States District Court yesterday seventeen cases of books, imported by George A. Leavitt & Co., which had been seized at the Custom House for alleged undervaluation, were condemned in default.

In the United States Circuit Court yesterday Judge Woodruff rendered decisions in the cases of Wheeler vs. McCormick and Aultman vs. Holby & Fitz. They were suits to recover damages for selling the Sprague Mowing Machine. Decisions in both cases for the plaintiffs, with order of reference to ascertain damages. Mr. Harding for plaintiffs; Mr. Baldwin for defendants.

TRIAL OF TAINTOR.

Continuation of the Evidence for the Prosecution—Books and Papers of the Atlantic Bank Produced in Court.

The further hearing of the case of Frank L. Taintor, who is indicted for having embezzled over $400,000, the property of the Atlantic National Bank, was resumed yesterday in the United States Circuit Court, before Judge Benedict and a jury.

The District Attorney appeared for the prosecution, and Mr. A. O. Hall, Mr. J. C. Carter and Mr. John Sherwood for the defendant.

EXAMINATION OF CLARENCE W. BALDWIN.

Clarence W. Baldwin was further examined by the District Attorney. He stated that the tickets upon the faith of which entries had been made in the books were preserved in the bank; all such tickets for four or five years past had been preserved. The District Attorney produced to the witness a pile of books which had been kept in the bank, and the witness explained the *modus operandi* of making those entries:—Thinks the entry in the book under date 12th of April, 1872, is an entry of a payment of $23,000; it was a special loan to J. W. Bunce of $20,000, which witness identified as paid on the check which he swore to yesterday; under the date of the 14th of June finds an entry of payment of $20,000, and there was a corresponding entry for that in the special loan account; it was a special loan to J. S. M. Crane; under the date of the 24th of August there was an entry of a check for $10,000 to B. Murray, Jr.; that was a special loan.

The District Attorney was about proving other entries of this character, when

Judge Benedict interrupted him, asking—"What is your point in this?"

District Attorney—They are entered in the book as special loans. They were checks drawn by Taintor.

Judge Benedict—Do you claim that the defendant has misapplied this last $20,000? Have you proved that he has taken the money?

District Attorney—Yes, we think we have. I want to connect this with the special loan account.

Judge Benedict—If he took this money and applied it to any improper use that is your case, and what, then, is the use of going through all these books of the bank.

Mr. Hall said he had no objection whatever to the evidence.

Judge Benedict—The jury do not want to be taken through all those books.

Mr. Hall—We do not wish to be taken as wishing to suppress anything.

District Attorney—I want to correct those entries on the book as showing special loans.

Judge Benedict—This check is drawn to the credit of Crane. You say he got the money?

District Attorney—It was given merely for speculation. The District Attorney then said he would not give any more of those entries in evidence, but the Court would understand that he offered in proof the general ledger.

Mr. Hall—Yes, it is in evidence for anything you want to have proved by it; all that part relating to special loans.

The cross-examination of the witness Baldwin was then taken up by Mr. Hall. Witness said that all the entries which he had been asked about were regular entries; there was nothing out of the way with them; Mr. Southworth, the President of the Bank, had an opportunity of examining the books before Mr. Taintor's leaving the bank; credits on the faith of tickets was a common thing in the bank; witness accepted tickets as authority to him to make the entries when such tickets were signed by the president or cashier of the bank.

Mr. Hall offered in evidence checks 976, 977, 1,033, 1,055 and 1,255.

TESTIMONY OF SILAS C. HAY.

Silas C. Hay sworn—I am a banker and broker, and was such on April 5, 1873; I have done stock business for Taintor on his order; I began to do such business for him on April 5, 1873; before I did so Taintor called on me at my office, and said that he wanted to open an account with us; he was not satisfied with what other brokers had for carrying his stocks; I told him that we did not care to open any new accounts; subsequently I found that Taintor had opened an account with us while I was in the country, and that stocks had been bought and sold for him; his account continued till he was arrested.

Cross-examination—Had some transactions with Taintor in 1868, but no stock transactions that I remember; I then had an account in the Atlantic National Bank; Taintor's account with our firm is closed; it shows a credit on the margin.

TESTIMONY OF WILLIAM S. WERNER.

William S. Werner deposed that he was a partner in the firm of Hay & Werner; Taintor deposited with his firm on April 5, 1873, $25,000 in bank bills as a margin on his account; their books would show what stocks they bought for Taintor.

Cross-examined—I do not think that I knew Taintor as cashier of the Atlantic Bank until a few days after he opened his account with us; he made no secret of doing so.

TESTIMONY OF LUCIEN H. NILES.

L. H. Niles, a banker and stock broker, deposed that he had known Taintor six years; had bought and sold stocks for him on a margin.

The checks referred to in our previous report were shown to witness. He identified them.

Cross-examined—Thinks Taintor was introduced to him by Mr. Southworth, the President of the Atlantic Bank; Mr. Southworth sometimes came to my office with Taintor; he made no complaint of the transactions with me; have talked to him about them in the Atlantic Bank.

TESTIMONY OF CHARLES E. STRONG.

Charles E. Strong deposed—Was appointed receiver of the Atlantic Bank April 28, 1873; on that day got possession of the bank from Mr. Meigs; found no gold in the bank; I gave a receipt for about $6,000 worth of gold notes, and I never received any gold from the defendant.

Cross-examined—Took possession of the bank about one o'clock, April 28, 1873; the property of the bank was at that time in the hands of Mr. Meigs, who was engaged in removing it.

TESTIMONY OF CHARLES A. MEIGS.

Charles A. Meigs deposed—On taking possession of the bank I found about $5,000 in gold and gold notes; there was not $25,000 in gold and gold notes in the bank when I got possession of it.

TESTIMONY OF SMITH SHELDON.

Smith Sheldon deposed—I have been engaged in the publishing business for twenty years; I was a director of the Atlantic Bank; I am acquainted with Taintor, and I recollect asking him at the Bank, on April 25, 1873, why he had an objection to showing the President the call loans of the bank; his reply was that he was acting under good advice; that he did not want to show them, but that if the directors assembled he would show his hand; he remarked, "I have ruined the bank, and the Clearing House Committee will be here in a few moments;" to this I replied, "What do you mean, Mr. Taintor? you surprise me beyond measure, and I am at a loss to know what to make of it all;" he observed, "I have acted on my own responsibility in this matter, and the directors had nothing to do with it."

Cross-examined—I had been Vice President of the bank for about one year.

Counsel for defence here sought to prove the circumstance of the bank surroundings of the prisoner during the time covered by the alleged offence.

The District Attorney objected.

Judge Benedict informed the jury that as this matter now under discussion was one of law it did not require their attendance, and he would discharge them until this morning.

The jury were accordingly discharged.

Mr. J. C. Carter, on the part of the defendant, urged that Taintor never intended to commit a fraud upon the bank, but that he had done what he conceived to be for its best interests.

The Judge reserved his decision, and the Court adjourned until to-day.

BANKRUPTCY.

Petition Against Dodge & Co.—Answer and Denial—The Matter To Be Inquired of by the Court—Reference to a Commissioner.

There has been filed in the United States District Court a petition by William A. Ripley, of Newark, Essex county, N. J., praying the Court to declare that D. L. White, S. W. Barnard, Anson G. P. Dodge, William E. Dodge, W. Jay Hunt, R. A. Loveland and Orson Richards have committed acts of bankruptcy. It is alleged in the petition that the claim of the petitioner is founded upon five promissory notes—one for $2,847 83, another for $3,275 62, a third for $5,734 75, a fourth for $4,967 93, and the fifth for $3,861 35; that the said debtors, being bankers, brokers, merchants and manufacturers, suspended more than fourteen days since the payment of their commercial paper—to wit, the notes in question—and have not resumed.

The consideration of the notes is charged to be money had and received by the debtors and employed by them in their business as such bankers, brokers, merchants, manufacturers and traders and as makers and endorsers of the notes at the city of New York and at other places. The notes so made and endorsed were thereupon passed for value to the Merchants' National Bank of Newark, N. J., before maturity, and were held by the bank when due, and were by the same bank duly presented for payment and duly protested for non-payment, and were then passed by the bank for value to the petitioner, who now claims to be the owner and holder of the notes.

It is stated in the petition that the defendants were copartners in business and were jointly and severally liable on all of the notes.

On the filing of this paper the usual order to show cause was served upon the defendants, together with injunctions, directing them to refrain from any sale of their property pending the proceedings. Subsequently an order was issued dissolving the injunction as against Oscar Richards, who sets forth in an affidavit that he resides at Sandy Hill, Washington county, in the Northern district of this State; that he has not carried on business in the city of New York for six months prior to the filing of the petition; that, so far as he is concerned, the Court has no jurisdiction, and that he has not been in business with any of the parties named in the petition except S. W. Barnard.

It appears that the name of W. E. Dodge, as a debtor, was inserted erroneously in the petition, and, with the consent of the petitioners' solicitor, it was ordered that the name of W. E. Dodge be stricken therefrom.

The remaining defendants put in answers, denying the acts of bankruptcy alleged against them, denying that the petitioner is a creditor of them, or either of them, and they pray that this matter may be inquired of by the Court.

Anson G. P. Dodge also denies the act of bankruptcy charged as to him; denies that Ripley is his creditor, or a creditor of the firm of Dodge & Co.; and also denies that they have committed any act of bankruptcy, and prays that the matter may be inquired of by the Court.

The whole of this matter has been, by order of Judge Blatchford, referred to the Clerk, Mr. George F. Betts, to take testimony and report to the Court.

ANOTHER PETITION AGAINST DODGE AND COMPANY.

A petition has been filed by the Broadway National Bank praying that Anson G. P. Dodge, Dexter B. Chambers and William Jay Hunt be declared bankrupts. The defendants carry on business as manufacturers and traders under the firm name of Dodge & Co., and the indebtedness which the petitioner sets up is a promissory note for $4,854 34, and was for a valuable consideration. Before the maturity of the note it was received by the petitioner in the regular course of business; it is now claimed to be past due, wholly unpaid and held by petitioner.

The clerk in charge in the bankruptcy department of the Court states that no action has been, to his knowledge, taken on this petition.

BUSINESS IN THE OTHER COURTS.

COURT OF COMMON PLEAS—TRIAL TERM—PART I.

Two Sides of a Story and Four-Fifths Reduction of Damages.

Before Judge Larremore.

Several days since, while Judge Loew was on the bench, the suit of Robert G. Campbell vs. William Richardson, President of the Dry Dock Railroad Company, was called for trial. There was no response on the part of the defendant, and the result was hearing the story of the prosecutor and his witnesses and giving for Mr. Campbell a verdict of $250 damages. This story, owing to its rather peculiar features, was published in full in the HERALD at the time. Mr. Campbell, who kept a hotel in Essex street, was sweeping snow from the sidewalk in front of his place, when Mr. Richardson came along and told him to shovel the snow off the railroad track in front, claiming that he thrown it there. This Mr. Campbell refused to do, and thereupon Mr. Richardson called a policeman and had him arrested and taken before Judge Shandley, at the Essex Market Police Court, when the latter discharged him and let him go. Mr. Campbell wanted $5,000 damages for alleged malicious arrest and imprisonment. At the trial yesterday he told substantially the same story as at the previous inquisition, except that yesterday he swore there was snow on the track and said that this was his previous testimony. Mr. Joseph L. Blondell, the official stenographer of the Court, read the previous evidence, in which he stated that there was snow on the track, but that he did not throw it there. The defence was that there was good ground for the arrest, as the policeman who made the arrest and Judge Shandley both testified that the understanding was that a compromise of the difficulty had been made and that on this account Mr. Campbell was discharged. Judge Larremore made quite an extended charge. The jury were absent but a few moments when they returned with a verdict of $50 damages for Mr. Campbell.

COURT OF GENERAL SESSIONS.

A False Pretence Case.

Before Recorder Hackett.

Yesterday, in this Court, Thomas McLaughlin pleaded guilty to an indictment charging him with obtaining a package of laces, embroideries, towels and stockings, valued at $906 79, on the 13th of September, from Wilmerding, Hoguet & Co. It seems that these goods were purchased by Mr. C. B. Rouss, in whose employ McLaughlin had been previous to the commission of this offence. His Honor sent him to the State Prison for three years.

Larcenies.

John C. Miller, charged with stealing a gold watch worth $34 from Henry Moore on the 17th inst., pleaded guilty to an attempt at grand larceny. Two years in the State Prison was the sentence.

James McGuire pleaded guilty to assaulting Officer Jeremiah Hyde on the 13th of August, and was sent to the Penitentiary for six months.

A Violation of the Act Regulating the Sale of Poisons.

William L. Becker, a German druggist, was placed at the bar charged with vending poison contrary to a law passed in 1872. District Attorney Rollins said that the accused was charged with selling arsenic to a woman who subsequently committed suicide by taking it, and that he violated the statute by neglecting to write down in a book the woman's address and the object for which she wanted the poison; yet at the Coroner's inquest the defendant produced a piece of paper giving these particulars which his counsel said he intended to paste in a scrap book. His Honor suspended judgment.

Conviction of a Gambling House Keeper.

Walker J. Jewell, whose correct name is Volcot D. Jewell, was tried and convicted of keeping a gambling establishment at No. 702 Broadway. Levi Knowles testified that on the 5th and 12th of February last he was "roped" in there and swindled out of $200. A witness for the defence and the accused swore that Knowles was mistaken. The defendant admitted that he was security for the payment of his brother's rent, who, he admitted, kept a room for that purpose. He was remanded for sentence.

Bail Refused to the Alleged Wall Street Forgers—George Wilkes, an Accused Party, Discharged.

The regular business of the Court was suspended for a few moments to permit ex-Recorder Smith, the counsel for Roberts and Gleason, against whom a large number of indictments have been found for forging railroad bonds, to ask His Honor at what decision he had arrived in reference to the motion previously made to admit the defendants to bail.

Recorder Hackett replied that he had received assurances from the Assistant District Attorney that the testimony against these parties was conclusive; that $880,000 worth of bonds had been issued, upon which a large amount of money had been received, and that if the names of the witnesses were intimated to the defendants the parties implicated had money enough to tamper with them, and thus frustrate the ends of justice. For the present His Honor denied the motion to admit them to bail.

Mr. Smith said that George Wilkes was arrested with Roberts and Gleason, but as there was no evidence against him he moved for his discharge.

The District Attorney did not oppose the motion and the Recorder directed that he be discharged.

Acquittals.

William Farrell was tried for stealing a gold watch worth $50 from Charles Foster on the 7th of this month. The evidence was insufficient to sustain the allegation, and as the accused proved a good character a verdict of not guilty was rendered.

John Ryan and Frank Stein (youths) were also declared not guilty of the serious crime of robbery. Bernard O'Rorke, residing at 456 Seventh avenue, claimed that on the 14th of October he was attacked by the prisoners and robbed of a watch and chain valued at $40 while he was walking down Seventh avenue. As witnesses swore to the good character of the boys, and as the complainant was under the influence of liquor at the time, the jury pronounced them innocent.

COURT CALENDARS—THIS DAY.

SUPREME COURT—CIRCUIT—Part 1—Held by Judge Davis.—Stokes' case. Part 2—Held by Judge Van Brunt.—Case on.

SUPREME COURT—GENERAL TERM.—Adjourned until Wednesday, November 5.

SUPREME COURT—SPECIAL TERM—Held by Judge Fancher.—Adjourned until Wednesday, November 5.

SUPREME COURT—CHAMBERS—Held by Judge Barrett.—Nos. 122, 128, 252, 167, 170, 30, 39, 89, 96, 130, 143.

SUPERIOR COURT—TRIAL TERMS—Parts 1 and 2.—Adjourned for the term.

COURT OF COMMON PLEAS—TRIAL TERMS—Part 1.—Held by Judge Daly.—Nos. 3213, 1835, 2361, 2405, 2258, 2365, 2373, 1739, 1494, 2382, 2011, 2012, 2389, 2245, 2424, 866, 2364, 1649, 3275, 1945. Part 2—Held by Judge Loew.—Nos. 2279, 3512, 3398, 3619, 3623, 2326, 2398, 2397, 3630, 1912, 1669.

COURT OF COMMON PLEAS—EQUITY TERM.—Held by Judge J. F. Daly.—Adjourned until Friday.

COURT OF GENERAL SESSIONS—Held by Recorder Hackett.—The People vs. Daniel Murphy, robbery; Same vs. Patrick Callaghan and Michael Doyle, robbery; Same vs. Timothy Conners, robbery; Same vs. Robert McCullum, felonious assault and battery; Same vs. Benjamin Kymerron, mayhem; Same vs. James Maher, burglary; Same vs. Thomas Sherwood, larceny; Same vs. Bridget Burns, larceny; Same vs. John J. Boyle, larceny; Same vs. Michael H. Nolan, larceny from the person; Same vs. Frederick S. Beck, false pretences; Same vs. Thomas Sadler, false pretences; Same vs. John C. Wallace, misdemeanor; Same vs. William Dish, assault and battery.

BROOKLYN COURTS.

COURT OF SESSIONS.

The Havana Bank Robbery—The Trouble That a Deaf Juror Caused.

Before Judge Moore.

The two Cubans, Antonio Inerez Alvarez and Enrique Caceres, who were arrested on a steamer in the lower bay last April, on a charge of having robbed the Commercial Bank of Havana, from which place they had escaped, were placed on trial yesterday. Caceres was marking clerk and Alvarez transfer clerk of the bank. The testimony on the trial did not reveal any facts in addition to those published repeatedly in the newspapers. When the prisoners were arrested they had money, bonds and drafts to the value of about $100,000 in their possession.

Though the robbery was not committed in this country the prisoners were rendered liable to indictment by having the stolen property in their possession here. Their counsel, Mr. Morris, endeavored to have them released by contending that the Court had no jurisdiction in the case. The District Attorney held that if the property was found on the prisoners within the limits of Kings county the Court had jurisdiction.

The case was given to the jury, but when they arrived in their room one of them coolly announced that he could not agree upon a verdict inasmuch as, being deaf, he had not heard the testimony! This fact was reported to Judge Moore, who sharply reprimanded the deaf juror, and ordered him to show cause to-day why he should not be punished for contempt. Deaf juror appeared to hear quite perfectly what the Judge said. The case will be retried this morning before another jury, and counsel will see that no deaf man is empanelled in it.

U. S. SUPREME COURT DECISIONS.

WASHINGTON, Oct. 28, 1873.

No. 16. United States vs. Gonssen, executrix—Error to the Circuit Court for Louisiana.—In this case the government sued on the bond of one Barrett, Collector of Customs at New Orleans, on which the defendant's testatrix was a surety. The question was whether copies of the reports of the First Auditor's office, as certified by the Comptroller and Commissioner of Customs upon Barrett's accounts and Barrett's own quarterly returns, could be admitted as evidence against the surety. The Court held that they could not be admitted except against the principal, and they were excluded. This Court reverse that judgment, and hold that, under the acts of Congress, the records offered were evidence against the sureties as well as the principal, and that Barrett's returns should have been received as his admissions of the offence charged. Mr. Justice Hunt delivered the opinion.

No. 5. Dondelet vs. William Prescott Smith—Error to the Circuit Court for Maryland. This was an affirmance of an assessment made by the defendant in error, as Internal Revenue Assessor, for a deficiency, the Court holding that "it was not obligatory on the officer to notify the delinquent of the particular month for which the assessment was made, but that he could proceed to assess for a gross sum due from the brewer. The brewer says the Court has full knowledge whether he makes correct returns or not, and where he fails to do so he cannot embarrass the investigation required to be made by the officer by requiring that each month in which there has been error in returns shall be specified and proved. Mr. Justice Bradley delivered the opinion.

No. 21. Boyce vs. Tabb—Error to the Circuit Court for Louisiana.—This was an action on a note made before the war whose consideration was the price of slaves. The judgment below was that it was not a legal defence to show that the consideration of the note was the price of slaves, and that, the sale of the slaves being lawful at the time, no subsequent legislation of the State could render it void by impairing the obligation of the contract. This judgment is affirmed here by authority of former decisions. Mr. Justice Davis delivered the opinion.

No. 4. Moore et al. vs. Robbins—Error to the Supreme Court of Illinois.—Dismissed for want of jurisdiction.

No. 389. Basse vs. City of Brownsville.—Motion to dismiss postponed until heard on the merits.

No. 46. Ex parte Desmore.—Motion for mandamus denied.

No. 52. Godwin vs. United States—Appeal from the Court of Claims.—This was an action to recover under a charter party, whereby the government were to bear the war risk and the owners the marine risk. The vessel was detained by stress of weather, and the owners, claiming that the contract was a demise to the United States, sought to recover damages for the delay equal to the amount agreed to be paid per diem for her use. The Court held that under the contract the owners retained possession of the vessel and control of her movements, and that the government had no concern in the matter; and it is here contended that this ruling was error. J. D. Fuller for claimant; Assistant Attorney General Hill for government.

BOARD OF ALDERMEN.

Appeal from Memphis—Mayor Havemeyer Recommends that Aid Be Extended to the Stricken City—Proposition To Donate $50,000—The Loan of $2,500,000 to the Industrial Exposition Company Passed.

Pursuant to a call this Board met yesterday afternoon at half-past three o'clock, President S. H. B. Vance in the chair. The minutes of the previous meeting were partially read and the further reading dispensed with, in order to receive a message from His Honor the Mayor in regard to extending

AID TO YELLOW FEVER SUFFERERS:—

MAYOR'S OFFICE, NEW YORK, Oct. 28, 1873.

TO THE HONORABLE THE COMMON COUNCIL:—

GENTLEMEN—I have received the accompanying communication from the citizens of Memphis, Tenn., now almost decimated by the ravages of the yellow fever, with which they have been visited. This calamity, following the exhaustion consequent upon the war, from which that city had scarcely recuperated, has intensified its sufferings, and it now appeals to sister cities for aid in its dire affliction. The story of the sufferings of the people and their present condition may be gathered from the petition. I hope that you will find a contribution within the scope of your powers, and will give the application your earnest consideration, with a view to such relief as the emergency requires, and which may be most efficatious to accomplish it.

WM. T. HAVEMEYER.

THE APPEAL.

The appeal referred to by the Mayor, and which was read, is contained in the following communication:—

NEW YORK, Oct. 25, 1873.

To Hon. W. F. HAVEMEYER, Mayor of the City of New York:—

SIR—In behalf of the city of Memphis and the thousands of unfortunate victims of the yellow fever scourge, which has and still continues to desolate their homes, and reduced many to absolute destitution, we would respectfully appeal to the city of New York, through her Board of Council, for aid and relief. By yellow fever and cholera since last June fully 3,000 citizens have died—nearly one-twelfth of the population—equivalent to a mortality of 80,000 people in the great city of New York for the same period. When the city of Chicago had her unprecedented fire calamity, the Memphis City Council appropriated $10,000 and her citizens subscribed $20,000 more, aggregating $30,000, for the unfortunate sufferers of that city.

Cincinnati, by her City Council, has recently appropriated $15,000 for the Memphis sufferers, and other cities have made similar contributions; but the distress and suffering is so great, not only among the sick and dying, but the widows and orphans also, that the necessity for additional aid is pressing beyond expression. We come therefore, in the name of suffering humanity, realizing our unenviable and humiliating position, but conscious of being in the discharge of duty and relying upon the world wide reputation for benevolence of your great city and her citizens, would respectfully but most earnestly plead for such assistance as may be in your power to render.

We feel confident there is not a man, woman or child in this great city who would not cheerfully respond to the necessities of any single individual in this or any foreign land whose claims to humanity should appeal so forcibly as does this object to Christian sympathy and national brotherhood.

In 1867 yellow fever did not disappear from Memphis until the 25th of November, and its ravages now threaten to be prolonged with undiminished mortality, followed by the hopeless infliction of orphanage, desitution and want, scarcely less severe than the dread pestilence itself. Respectfully submitted. Your obedient servants,

WM. G. FORD,
DAVID P. HADDEN,
H. D. BARKLEY,
Citizens of Memphis, Tenn.

To this communication was attached clippings from Memphis papers stating the ravages of the disease and asking for aid.

The following resolution was then offered for adoption by Alderman MORRIS:—

Resolved, That the communication from His Honor the Mayor be received and printed in the minutes; that the message and accompanying appeal of the people of Memphis, Tenn., be transmitted to His Honor the Mayor, as President of the Board of Apportionment, with the request endorsed thereon that he immediately convene the said Board of Apportionment, and on behalf of the people of the city of New York appropriate as a donation to the stricken people of Memphis the sum of $50,000.

It was unanimously adopted and greatly applauded by those outside of the railings.

THE INDUSTRIAL EXPOSITION PEOPLE IN CLOVER.

Alderman MONHEIMER moved that the resolution authorizing the city to loan to the Industrial Exposition Company $2,500,000, the same to be secured by bond and mortgage on the ground owned and occupied by them, be taken up. It was found that two members of the Board were absent, and the Board took a recess for twenty minutes. On its reassembling all the members were present, when a few unimportant measures were acted upon.

Alderman MONHEIMER then called up General Order No. 227½, which provides for the above appropriation. On calling the yeas and nays the President voted "no." Aldermen Billings, Koch, Kehr, Clausen, Flanagan, Lysaght, McCafferty, Van Schaick, Cooper, Ottendorfer, Reilly and Monheimer voted in favor of the resolution.

Aldermen CLAUSEN and MCCAFFERTY spoke at length on this subject. The former based his approval of the measure on the fact that it would greatly enhance the value of real estate, and, furthermore, that it will give employment to hundreds and thousands of laborers.

Alderman OTTENDORFER likewise spoke on the resolution, and wished to be excused from voting. The request was refused, and he voted aye. The vote was announced and stood 12 in the affirmative and 3 in the negative—the latter being Aldermen Vance, Falconer and Morris.

After transacting some other unimportant business the Board adjourned, to meet on Thursday, the 6th proximo.

A CASE OF NEGLECTED MERIT.

TO THE EDITOR OF THE HERALD:—

As your powerful newspaper is now the advocate of every cause that commends itself to the wisdom and the virtue of our people, I am sure I can ask you to aid me in a cause that will meet the approbation of all true men.

I am a warm admirer of Thomas Nast. Since the days of Hogarth we have had no such satirist. He is the Gustave Doré of America. Not an American by birth, he breathes the true American spirit and shows what the German character will evolve when transplanted in American soil. Need I recall his services to the cause of liberty—how he made war upon Andrew Johnson and stood by Grant? Remember his fight on Tammany, at a time when he had only to say the word and William M. Tweed would have paid him $100,000 to leave the country. Remember also his services in the last canvass—the strength he showed against Greeley—and you will unite with me in saying he is a man who deserves well of his adopted country.

Yet, sir, this wonderful man is only another evidence of neglected genius! Although refusing Tweed's bribes, he received no increased pay from the Harpers. That firm, rich as it is, and having in Nast a man who founded their fortunes, ground him down to the dust. The republican party, which could make a Collector out of Mr. Murphy and a Minister out of Mr. Kramer, could do nothing for this noble soul. After the election was over some republicans who knew Nast's value proposed to give him a solid token of reward. The President was anxious to have it done. But no—the money could not be raised. The orange was squeezed. The artist had done his work, and this poor young man of genius is now compelled to wander over America like a showman and make speeches and draw pictures on blackboards for a living to support his family.

I appeal to you, Mr. Editor, whether something cannot be done for this deserving man. I am sure his countrymen will only want to know his condition to rise un as one man and do him honor.

AMICUS.

THE MONETARY AGITATION.

Bankers Who Desire More Currency—How the Manufacturing Interests Are Affected.

Affairs of the Union Trust Company—Explanation from Mr. Wesley, the Receiver—A List of Inaccuracies—Correspondence Between the President and Vice President—Bank of New York.

There are curious changes from day to day in local financial prospects. Yesterday the outlook was quite cheerful. There is calmness in the commercial situation, while the most that can be said of the Stock Exchange is that the values represented there are just now curiously compared with commercial values. This, of course, involves the distress of stock values, which now, in the absence of any power in the street left them, simply rest upon their comparative value as dividend-producing securities, or, in other words, earning investments. In regard to the recurring reports of difficulties in manufacturing districts the writer called on Howes & Macy, well known as largely applied to for the negotiation of paper from such sources, to get their views upon the recent suspensions. He was politely received by Mr. Howes, when the following conversation ensued:—

REPORTER—Mr. Howes, I have come to inquire if you are willing to give your views on the subject of the recent suspensions in manufacturing centres. I understand that you deal largely in their commercial paper, and, consequently, can speak understandingly on this matter?

Mr. HOWES—Well, really, we have been so busy I have not had time to examine carefully into general principles with any expectation of my views going into print. Their present difficulties arise wholly from the scarcity of currency. They have large stocks on hand, but in the meantime are unable to market them for cash or procure the currency to meet their daily demands.

REPORTER—Have you thought of a remedy for this condition?

Mr. HOWES—The simple remedy is a further inflation of the currency.

REPORTER—Do you not think that this is simply delaying the crisis?

Mr. HOWES—I do, but I thought your question pointed to immediate relief. Time only can bring about a real remedy for the present condition of affairs.

REPORTER—Do you think there is anything in the existing situation to call for alarm?

Mr. HOWES—No sir, no alarm; there may be distress, temporarily, but with the reflux of currency into circulation there will be revival.

THE VICE PRESIDENT OF THE BANK OF NEW YORK.

Reports having gone abroad that Mr. James H. Banker, Vice President of the Bank of New York, had made use of his position to divert securities placed in his possession to his own personal advantage, the following correspondence is made public to correct the impression:—

NEW YORK, Oct. 27, 1873.

TO THE PRESIDENT AND DIRECTORS OF THE BANK OF NEW YORK, NATIONAL BANKING ASSOCIATION:—

GENTLEMEN—Owing to the present excited condition of the public mind upon financial affairs I fear that the many false rumors respecting myself may prejudice the interests of your bank arising from my connection with its management as vice president. The position, as you all know, is one in which I have faithfully labored for the past ten years, without compensation of any kind, and without in any way benefiting myself, pecuniarily or otherwise, by the connection.

I suppose I need not assure you of the utter falsity of all stories or statements prejudicial to my character, or imputing to me any improper appropriation or diversion of funds or securities within my control under any circumstances, and I have only at present to say with respect to all such false statements that my complete vindication will soon be made manifest.

But under the circumstances, and in view of the necessity of giving all my attention to my private affairs, you must permit me to resign my position as vice president of the bank, and I accordingly tender my resignation, to take effect forthwith. With sentiments of respect I remain, yours, &c., JAMES H. BANKER.

NEW YORK, Oct. 28, 1873.

JAMES H. BANKER, Esq.:—

DEAR SIR—In answer to your favor of the 27th inst. tendering to the President and directors of the Bank of New York your resignation as Vice President, I am directed by the board to say that in accepting it at your solicitation they do so with regret that circumstances should have caused you to feel it necessary, and with entire confidence in your ability to vindicate yourself from the calumnious rumors which have been circulated to your prejudice.

While they recognize the fact that you have never used your position in the bank for your personal advantage, the board refers with great satisfaction to the valuable services you have so long and ably rendered it. Yours, with much respect,

C. P. LEVERICH, President.

THE BANKRUPTCY PROCEEDINGS AGAINST THE UNION TRUST COMPANY.

The receiver of the Union Trust Company, Mr. E. B. Wesley, on being asked yesterday to explain in reference to the proceedings in bankruptcy instituted by William R. Siney, said that he had not read the petition to have the company declared bankrupt, but emphatically contradicted such of its allegations as were brought to his attention. He was not aware that Augustus Schell, the Vice President of the company, was in any way indebted to it, and he denied that any transfers of money, stocks or bonds had been made to any officer of the company for the purpose of defrauding its creditors. The statement in the petition concerning a transfer of property to the Lake Shore and Michigan Southern Railroad referred, of course, to the $1,800,000 loan, the character and settlement of which had already been explained, and

A FULL ANSWER

to the petition would be made at the proper time. Mr. Wesley said that the bankruptcy proceedings resulted, he supposed, from an investigation made some time ago by a committee claiming to represent the creditors, to whom he gave every facility for an examination of the books of the company. He did not know the names of the committee, or whether Mr. Siney was one of the members. In regard to the alleged overdrafts on the company, and a published schedule purporting to be a partial list of them, Mr. Wesley said that the matter had been greatly exaggerated and misrepresented.

LIST OF INACCURACIES.

As to the overdraft of C. H. & W. C. Andrews for $17,356 04, the debtors were represented to him as perfectly good, and the company had a loan to them secured by railroad bonds as collateral, which fully covered both the loan and the overdraft. The overdrafts of the State of Arkansas for $25,419 30 on one account, and $24,771 66 on another, were amply secured by collaterals. The allegation that "Daniel Torrance and associates" had overdrawn $47,694 59 was incorrect, the apparent debtor in this case being the Ohio and Mississippi Railroad, which has $380,000 on deposit in the institution in another account. J. H. Frothingham, who was alleged to have overdrawn $4,953 30, did not owe the company one shilling. Thomas Reed & Co., who were reported to have overdrawn $163,435 86, have suspended payment. Mr. Wesley said that they had various loans from the company on miscellaneous securities, amounting to $232,000. In order to cover these, an individual account had been opened for the firm, and the whole amount charged to Thomas Reed & Co. As fast as the securities are negotiated the amount is credited to their account.

MR. WESLEY'S OVERDRAFT.

The overdraft assigned to Mr. Wesley himself, amounting to $157,447 94, consisted, he said, of the money and accounts received by the company since the suspension and charged to him as receiver, he crediting the same to the company upon his books. Other overdrafts mentioned were fully secured by government bonds. Mr. Thompson, a bookkeeper referred to by Mr. Wesley in making these statements, said that after taking from the list of overdrafts all the large amounts which were satisfactorily accounted for it was possible that ten per cent of the small remainder might not prove good.

WHAT THE PRESIDENT SAYS.

Mr. Frothingham, the President of the company, said that he was served with the preliminary papers in the bankruptcy proceedings Monday night. The petition in the case, he asserted, was a tissue of misrepresentations and falsehoods. No property had been transferred to any officers of the company with the object of defrauding its creditors, and no attempt had been made to conceal any of the assets. He expected the company to resume business, but at what date was still uncertain. No meeting of the trustees was held yesterday.

THE MOTION IN THE SUPREME COURT.

A motion was made in Supreme Court, Chambers, yesterday, before Judge Barrett, for a writ of mandamus in behalf of William Cheeney, compelling the Union Trust Company, as registering agent of the Lake Shore Railroad Company, to transfer on their books $120,000 worth of stocks from the name of George B. Grinnell & Co. to that of Cheeney. It appeared that Mr. Cheeney purchased the bonds from the Broadway National Bank, with which they were pledged by Grinnell & Co. before going into bankruptcy, and that the transfer of the stocks was refused owing to the doubtfulness of a purchaser's title under the circumstances. The decision of the Court was reserved.

EFFECT OF THE PANIC.

A prominent banker said yesterday that the late panic swept away almost every unsound concern on the street; that not a house but lost from fifty to two hundred and fifty thousand dollars, and that the feeling of confidence is not yet restored, nor will it be for some time.

A CUSTOMS SEIZURE.

Deputy Surveyor Brainerd Howell and Inspector George Klink yesterday morning seized from on board the steamship Scotia, of the Cunard line, five large cases of valuable goods. When taken to the Custom House seizure room they were examined by J. R. Dillon, and found to contain, in each case, sixty pieces of black silk alpaca, fifty yards in each piece. The cases were consigned to order, and were entered on the manifest as buttonhole trimmings, the consignees thus attempting to defraud the government. The duty on alpacas is thirty-five per cent, while that on buttonhole trimmings is only ten per cent. The goods seized have been appraised at $12,000.

REAL ESTATE MATTERS.

Near Opening of the Harlem and Portchester Railroad—A New Avenue to Westchester County—Schedule of the Road's Influence—Current Transactions.

The principal item of interest in connection with real estate movements, which are at present centred in Westchester county, comes now from the Harlem and Portchester Railroad Company, who make the following representation of their ability to help the value of property:—

THE LOWER TERMINUS OF THE ROAD

is on the Westchester side of the Harlem River, a short distance south of Harlem bridge, and opposite the Second avenue of this city, where the company has secured a valuable tract of land having a frontage of more than a thousand feet along the river.

On the margin of the river a substantial dock, nine hundred feet long, has been constructed, and upon it a passenger and freight depot, three hundred feet long and thirty feet wide, has been nearly completed. Passengers will be able to pass through the depot from the trains to the steamers without exposure.

A spacious engine house and car shed have been erected on the premises, and the grounds will soon be covered with tracks for the different passenger and freight trains.

It is intended to transfer the freight cars from the road to barges or steamers and thence to other railroads without breaking bulk, thereby saving time and expense.

The whole length of the new railroad, from Harlem River to its junction with the New York, New Haven and Hartford Railroad, at New Rochelle, is twelve and one-quarter miles, while the distance between the Harlem River and New Rochelle, by the present route, by way of Williamsbridge and Mount Vernon, is twelve and three-quarter miles.

Both tracks for the new road are laid for the entire length, and the only impediment to the immediate opening of the line is at the bridge across Pelham Bay. The centre pier will be completed at or before the end of this week, when the draw will be replaced in position, and it is authoritatively announced that the road will certainly be opened for public travel by the 15th of next month.

The road has been built in the most thorough and substantial manner with double track, steel rails and broken stone ballast, at a cost of nearly $2,000,000.

It is probable that commuters on the New Haven Railroad will have an opportunity of using either route to and from the city at a very slight advance on the present rates.