

THE COURTS.

The Case of Joshua D. Miner—Effort to Revive an Old Indictment.

Legislative Doctors Disagreeing—The Rival Presidents of the Board of Assistant Aldermen in Court.

BUSINESS IN THE OTHER COURTS.

James Cahill Convicted of Manslaughter in the First Degree—Imprisoned for a Life—The Tompkins Square Rioters Indicted.

An appeal having been taken to the Supreme Court of the United States to reverse the sentence recently pronounced in the United States Circuit Court of this district by Judge Benedict upon Edward Lange, who had been convicted of appropriating mail bags to his own use, yesterday Marshal Fiske received a writ of habeas corpus, directing him to produce Lange this morning before the Supreme Court.

Yesterday, in the United States Circuit Court, before Judge Benedict and a jury, William Simpson was put upon trial on an indictment charging him with having forwarded obscene publications through the mails. The jury were discharged without being able to agree to a verdict.

In the case of Benoit Howard, who was convicted last week in the United States Circuit Court of counterfeiting match stamps, Mr. Huntington, of counsel for Howard, appeared before Judge Benedict and a jury, after some discussion Judge Benedict stated that he would hear the motion on Wednesday next in Brooklyn.

Yesterday, in the United States Circuit Court, before Judge Nathaniel Shipman, in the case of Henry Myer and F. W. Myer against Collector Arthur, which was an action to recover \$11,000, claimed as excess on an importation of white lead, the jury found a verdict for the collector. The plaintiffs set forth that the white lead was a manufacture of metal within the meaning of the law, and that, therefore, under the Tariff act, it was not to be deemed a duty-free article. The opposite view, holding that white lead was produced by chemical action, and therefore liable to the duty imposed, was the view which the jury adopted.

A trial of general interest to the public, and special interest to those still occupying outside stands at the city markets, will be commenced on Monday next in the Supreme Court, Circuit. It will also involve the question of the duties of the Board of Health in regard to market stands.

The ground of the suit, is the same being brought by a saloon proprietor, that the saloons in the market square are damaging to his business.

There was a lengthy argument yesterday in the Supreme Court, Chambers, before Judge Lawrence, on a motion to vacate the order of arrest against Carl Vogt in the civil suit pending against him. The Court took the papers.

Yesterday Andrew B. Chalmers, the lawyer against whom a verdict for \$25,000 was rendered last week in favor of Phoebe A. Lowrre for damages resulting from a breach of promise to marry her, filed his petition in the office of the Clerk of the United States District Court to be adjudged a bankrupt, and served an injunction on Preston I. Sweet, his attorney, to prevent him from taking any further proceedings in the action.

By pending the result of final action in the Bankruptcy Court.

THE CASE OF JOSHUA D. MINER.

Alleged Counterfeiting—Effort to Revive an Old Indictment—Argument of Counsel.

In October, 1871, Joshua D. Miner was indicted in the United States Circuit Court for having in his possession, custody and control a metallic plate, engraved with the signature of a genuine plate from which counterfeits were made.

The indictment was returned in the name of the United States, but in the same month and year Miner was also indicted for having in his possession a certain other metallic plate, engraved after the similitude of a genuine plate used in the printing of United States obligations.

The plate referred to in the first indictment was a ten-dollar plate of the National Bank of Poughkeepsie, and the plate mentioned in the second indictment was a two-dollar plate of the Ninth National Bank of the city of New York. Miner was brought to trial in December, 1871, on the first of the above-named indictments, and after a trial before the jury found a general verdict of not guilty.

The District Attorney now moves the trial of Miner on the second of the above-named indictments. Miner interposes a plea of *autrefois acquit*, intending to insist on the trial that he cannot be tried on the last-named indictment, for the reason that the felonies charged in the two indictments are charged to have grown out of the same identical act; that he, having been prosecuted and tried upon one of them and acquitted, such trial and acquittal are a bar to a second prosecution. The District Attorney contends that the offenses charged in the two indictments are distinct offenses, and that the acquittal on the first is no bar to a trial on the second.

The defendant maintains that the evidence which the District Attorney proposes to give on the trial of the second indictment is the same as that given upon the trial of the first, which was as follows:—The government gave evidence that in or about the month of October, 1870, the defendant had in his possession the two plates already mentioned, and that he had used the same to produce counterfeits of the one of Henry C. Cole for a consideration of \$1,000, and then there paid to him, and that such payment and receipt were made in pursuance of an agreement made between these two persons before that time that the same should be delivered and that the consideration should be paid on the day named; that in order to prove that the possession of the plates set out in the first indictment was unlawful, the government gave evidence that the plates were the second indictment, and gave evidence also tending to prove that Miner had, on different occasions, sold to Cole bank bills, and that Miner granted on the counterfeit plates, and that Miner had the plates with the intent to counterfeit money thereon.

Robert Porter, one of the witnesses, who was fined \$100 and sentenced to two months' imprisonment, was yesterday, by order of Judge Brady, released from serving out the remainder of his term.

United States Assistant District Attorney Purdy replied at considerable length on behalf of the government, and contended that there was no acquittal of the jury with respect to the \$2 plate, the possession of which was not charged in the indictment on which Miner had been acquitted.

Mr. Purdon replied that there was a conceded state of facts in this case between himself and counsel for the defendant, which he never pretended to show that the defendant had engraved the \$2 plate. He hoped the government were going to proceed from the position they had taken in this case, for this was the first time he had heard that there was any evidence as to the evidence which was not known what the witnesses would prove.

Mr. Purdon said they will prove anything you want. (Laughter.) If you take another position and say that there is a particle of proof as to the evidence which was not known what the witnesses would prove, after some further argument Judge Benedict took the papers and reserved his decision.

THE RIVAL ASSISTANT ALDERMEN.

The Board of Assistant Aldermen in Court—Questions as to the Construction of the Charter of April, 1873, in Dispute.

The political controversy that has been exciting the intellect and political proclivities of the Board of Assistant Aldermen in the effort of one branch of that august body to retain the former President of that Board, William Wade, against the wishes of another branch of the same body to elect a man after their own heart, in the person of Joseph P. Strack, has culminated in an appeal to the General Term of the Supreme Court.

Mr. Strack was elected President of the Board of Assistant Aldermen at the expiration of the term of that Board on December 31, 1873, by a vote of 10 to 9.

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and one composing house. While this was being carried on Mr. Hanlon transferred, as he alleged, his property to Mr. Charles S. Archer.

Mr. Archer, who was the defendant in the case, was arrested on a warrant issued by the Court, and was committed to the Tompkins Square Jail. He was held in custody until he had given a satisfactory explanation of the property.

The jury were over several hours and brought in a verdict of \$1,131 in favor of the defendant. This is said to be the largest sum of money to be brought by a creditor of Mr. Hanlon against Mr. Archer, the plaintiff in the present action.

DECISIONS.

Reggie vs. Madson; Meyer vs. Tomner; Brown vs. Tooker; Whipple vs. Whipple; In the Matter, &c., Cowan—Memorandum on appeal, in the Matter, &c., Cowan vs. Gould, &c.; Slocum vs. Praser—Granted.

Shakespeare vs. Warner; Brown vs. Warner—Decided affirmatively. Poole vs. Young—Judgment for plaintiff and \$10 costs.

General Bank Note Company vs. Industrial Exhibition Company—Settled. By Judge Donohoe. Beach vs. The Mayor, &c.—Order granted.

SUPERIOR COURT—TRIAL TERM—PART 2.

The Proper Official Signature of a State Decree. Before Judge Van Vorst.

A trial occupying for some time the attention of this Court, was now involving the question as to how the Governor of a State should sign an official document to give it validity.

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future; but, despite their pleading, the Court sentenced the youthful offender to the House of Refuge.

TOMPS SQUARE COURT.

No Complaint to Be Found. Before Judge Morgan.

About six o'clock yesterday morning Officer Leary, of the Second precinct, heard a pistol shot fired from pier 23 East River. He ran on the pier and saw private watchman Greig standing with a revolver in his hand, pointed towards two men in a row on the pier, who were on the pier.

He also saw them receiving blows which were being handed to them by some person on the pier. The two men in the boat were brought on board the steamer, and were taken to the police station. One of the men, named James McLaughlin, was shot in the right breast. He was taken to the Park Hospital. The other man, James McLaughlin, of No. 10 Dover street, was locked up. The third prisoner proved to be William Bird, the boatman who was on the pier.

The prisoners were brought before Justice Morgan yesterday afternoon. Captain Lloyd, the commander of the steamer, testified that Bird, the boatman, had shot the rope to the other two men, and that he did not think there was any guilty in any of them. On this testimony the prisoners were discharged.

Past Register Going Cheap. Henry Page, a horse dealer, was arrested on a charge of obtaining money by trick and device, preferred by Charles S. Ferris, who keeps a livery stable at No. 140 Livingston street, Brooklyn.

Ferris alleges that he saw an advertisement in a morning paper, in which it was stated that there were three horses for sale, at No. 47 Great Jones street. Mr. Ferris called there and saw Page. The latter represented that he had three horses for sale, and that he would sell them for cash. The price was settled at \$500, but Page refused to let Mr. Ferris see the horses. Page was held in custody until he had given a satisfactory explanation of the property.

COURT CALENDARS—THIS DAY.

SUPREME COURT—CIRCUIT—PART 1—Held by Judge Brant. No. 2779. Part 2—Held by Judge Van Vorst. No. 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 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2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676,