THE COURTS.

Rmarkable Recovery of $130,000 Worth of Bonds and Stocks.

LEXINGTON AVENUE EXTENSION.

Sentences in the General Sessions.

The Tivoli Garden Sunday Theatricals.

The Shook-Thorne injunction case, which was to have been argued yesterday at Special Term of the Superior Court, was adjourned till this morning. It is sought by the injunction to prevent the playing of "Le Sphinx," by Octave Feuillet, in which is introduced the great poisoning scene. As there is no international copyright it is claimed that no one has a right to interfere with its production on the New York stage.

There seems to be a growing attachment for, or rather growing attachments against, the property of Henry W. Genet. Mr. H. Johnson was yesterday granted by Judge Davis, in Supreme Court, Chambers, an attachment against the property of the fugitive "prince," in a suit in which he claims $2,000 on an unpaid check.

The trial of Police Commissioners Charlick and Gardner, upon the indictments found by the General Sessions Grand Jury, is set down for to-day in the Court of Oyer and Terminer, before Judge Brady. It is thought it will occupy several days.

United States Commissioner White yesterday rendered his decision in the case of Carl Valentine, holding the prisoner for extradition. It will be remembered that Valentine arrived here some months since from Berlin, Prussia. He is charged with forging in that city the names of Bischof and Sostheim to bills of exchange for the amount of $30,000.

THE GRAHAM BONDS.

Remarkable Recovery of $130,000 Worth of Stocks and Bonds.

In the Supreme Court, Part 3, yesterday the case of James Lorimer Graham vs. Lyttleton G. Garrettson and Richard J. Garrettson, executors of Symmes Gardner, deceased, came on for hearing before Judge Van Vorst, without a jury. The suit was for the recovery of certain bonds and certificates of stock of the face value of $132,800, and the facts were of a peculiar nature.

Mr. Graham, the plaintiff, swore that on May 1, 1871, he got into a Sixth avenue car, to ride home, having in his possession a satchel containing the bonds and stocks in question. Becoming engrossed in reading a newspaper, he passed his street without being aware of it. In discovering his mistake he alighted hastily, forgetting his satchel. He shortly afterward missed it and pursued and overtook the car, but the satchel had disappeared. He inquired at the office of the railroad company for his satchel, advertised his loss in the newspapers, and issued handbills, offering a liberal reward for its recovery, but all with no success. He also notified all bankers and brokers not to negotiate the bonds and stocks. Much to his astonishment, one day Mr. Lyttleton G. Garrettson, one of the defendants, called upon him to inquire about the lost bonds and stocks, as to why they had not been transferred on the back. Mr. Graham immediately claimed them as his property. As the executors could not deliver up the property without a legal adjudication as to right of ownership the present suit was brought, being in the nature of a friendly litigation. Mr. James M. Ball, counsel for plaintiff, having clearly established Mr. Graham's title to the bonds and stocks, and Mr. R. L. Garrettson, who appeared for the executors, having been able to show only that the bonds and stocks had been found among Mr. Symmes Gardner's assets, without their being able to account for his coming into possession of them, Judge Van Vorst gave judgement for plaintiff for the delivery of the bonds and stocks to him.

LEXINGTON AVENUE EXTENSION.

Application to Set Aside the Report of the Commissioners—Allegations of Fraud.

There are no more prolific sources of litigation than opening streets and avenues, and until all the territory embraced within the city limits—however far such limits are extended—is laid out and the streets and avenues completed the attention of the courts is likely to be a good deal engrossed in the settlement of unavoidable disputes over awards and assessments. The opening of few avenues has aroused such spirit of discontent and contention among those owning property affected by the opening as the opening of Lexington avenue and its extension to Harlem River. An application was made yesterday in Supreme Court, Chambers, before Judge Davis, to vacate the order of confirmation in the case and set aside the report of the Commissioners.

In making the application, which was made by Mr. Warren in the interest of Samuel D. Stevens, the former claimed either fraud or a gross mistake in the assessment of some lots on 108th street. He said that the difference in the assessments on these lots and those belonging to Terence Farley, on 109th street and adjoining, was too marked not to give ground of suspicion that all was not right. He also said that the day before the report was presented he was told by the clerk of the Commissioners that it was not ready and would not be presented for a week to come; that he could not get a glimpse of the books, and finally that upon his urgent importunities to see them the privilege was most emphatically denied him.

Mr. Peckham entered upon a zealous defence of the Commissioners. He denied through affidavits the alleged exclusion of counsel from seeing the books and the charges of fraud. He then insisted that the confirmation of a report is final, and that the present one, having been confirmed, could not be set aside. The time to oppose the report was when it was presented for confirmation. He claimed that the opposing counsel did wrong in relying on the statements of a mere clerk. The confirmation of the report, he urged further, should not now be set aside, as its confirmation had affected some 7,000 people and over 3,000 pieces of property, and as all the transactions since in the property thus affected had been made upon the basis of this report. He also commented upon the time that had been allowed since the confirmation of the report and the presentation, and insisted that any interference or alterations now would be attended with incalculable mischief.

Judge Davis asked Mr. Warren whether he wished to base his present application upon the ground of fraud or a mistake.

Mr. Warren, in response to this interrogatory, said that he charged fraud, most corrupt fraud. The difference was too great to make it otherwise. Mr. Stevens and others, he declared, were placed on the Commissioners' black list because they would not accede to the wishes of the Commissioners. He insisted that the Broadway widening case settled the question that the report could be opened for either fraud or mistake, and he claimed such a right in the present case.

After some further argument Judge Davis took the papers, reserving his decision.

BUSINESS IN THE OTHER COURTS.

SUPREME COURT—CHAMBERS.

Decisions.

By Judge Donohue.

Bowery Savings Bank vs. Richards.—Receiver appointed.

By Judge Lawrence.

Levy vs. Katzenburg.—Motion denied; memorandum.

Barnes vs. Morgan; Compton vs. Chase; Odell vs. Odell; Noonais vs. Dunphy; Butler vs. Palmer; Brown vs. Turner and Oliver; Keeler vs. Lias.—Memorandums.

Godfrey vs. Bird; Jourdan vs. Jourdan; Hayman vs. Jones.—Memorandum for counsel.

Williams vs. Tillinghast.—Motion to continue injunction denied; temporary injunction dissolved, with $10 costs.

Delafield vs. Hill.—Motion to continue injunction granted.

Fruhauf vs. Fruhauf.—Decree of divorce granted to plaintiff.

Dixon vs. Julian.—Motion denied, with $10 costs.

Greaves vs. Gonge; Nott vs. Palmer Manufacturing Company.—Motions denied, with $10 costs; memorandums.

SUPERIOR COURT—SPECIAL TERM.

Decisions.

By Judge Speir.

Delavan vs. Simonson.—Motion to amend complaint granted.

O'Brien (Sheriff) vs. Mechanics and Traders' Fire Insurance Co.—Inquest set aside on defendant's paying costs of term, witnesses' fees, disbursements and costs of motion.

Same vs. Merchants' Fire Insurance Co.—Costs only allowed as taxed by the clerk.

Hagen et al. vs. Lewy.—Let the plaintiff furnish to the defendant's attorney the items of the transaction between the parties on which this action is brought and let the same be verified.

Packard vs. Anderson.—Let the order heretofore made to examine the plaintiff be vacated.

Justice vs. Lang et al.—Motion to send case back to referee for further findings denied with costs.

Johnson vs. Ferns.—Judgment for defendant, parties to pay their own costs.

Ansonia National Bank vs. Clews.—Motion granted.

COMMON PLEAS—TRIAL TERM—PART 2.

Suit for Heavy Damages.

Before Judge J. F. Daly.

Michael McGuire on September 27, 1873, was run over at the corner of Forty-ninth street and Fourth avenue by a locomotive belonging to the New York Central and Hudson River Railroad Company, and sustained injuries compelling the amputation of an arm. He has brought a suit against the railway company claiming $50,000 damages. The case came to trial yesterday in this Court and will probably occupy two or three days. Ex-Judge Cardozo appears for the plaintiff and Mr. Burrill for the defendants.

COMMON PLEAS—GENERAL TERM.

Decisions.

By Judges Robinson, Larremore and J. F. Daily.

Gillespie vs. Zittlosen; Van Pelt vs Dunham; Dolls vs. Alright; Marize vs. Doe et al.—Judgments affirmed. Opinions by Judges Robinson and Larremore, Judge Van Brunt dissenting.

Fannenbaum vs. Christeller.—Motion for reargument denied. Opinion by Judge Robinson.

Frank vs. Covert.—Judgment affirmed. Opinion by Judge Larremore, Judge Van Brunt dissenting.

Kingsland vs. the Mayor, &c.—Reargument ordered. Opinions by Judges Robinson and Larremore.

Treadwell vs. Hoffman.—Motion for leave to go to Court of Appeals denied.

Smith vs. Cooley.—Order settled. Judgment reversed; new trial ordered; costs to abide the event.

Conlin vs. Contrell.—Reargument ordered, with stay.

COMMON PLEAS—EQUITY TERM.

Decision.

By Judge Larremore.

King, Jr., vs. Grimes.—Judgment for the plaintiff.

COMMON PLEAS—SPECIAL TERM.

Decisions.

By Judge Loew.

Osborn vs. Stillman.—Motion to transfer cause to Marine Court granted.

Rutter vs. Griswold.—See memorandum for counsel.

Vanderwelle vs. Callanan.—Motion to continue injunction denied.

Robert vs. Burroughs.—Application denied.

Rudolphy vs. Fuchs.—See memorandum.

Douglass vs. Douglass.—Judgment of divorce granted to the plaintiff.

GENERAL SESSIONS.

Ten Years for Burglary.

Before Recorder Hackett.

On the night of the 20th of January, 1870, the house of Frank H. Page, No. 105 Clinton place, was broken into by George Jones, who was caught upon the roof of the house by Mr. Page and Dr. Healy and turned over to an officer. Complaint was made against him before a Police Justice, but for some reason he was never brought to trial. Jones was again arrested not long since, in connection with the masked burglars, and Mr. Page seeing him at the Central Office, a second time preferred the charge against him, and yesterday morning he was arraigned to answer for the charge committed over four years ago.

No evidence was offered in defence. Counsel for defence asked that the grade of the crime be changed from burglary in the first to burglary in the third degree, but the Recorder did not so charge the jury. After a few minutes' deliberation the jury found a verdict of guilty of attempt at burglary in the first degree, and the prisoner was sentenced to ten years in State Prison at hard labor.

Alleged Attempt to Kill a Sailors' Boarding House Keeper.

Frederick Evers was placed on trial charged with deliberately firing a pistol at James Curran on the 13th of April, at the corner of Old Slip and South street, with intent to kill him. The complainant testified that he had seen the prisoner about an hour before the occurrence, but nothing whatever occurred between them at the time of the shooting; he (Curran) was standing close to the door of the saloon, smoking a cigar, waiting for a friend who was coming up from the dock; the prisoner was standing about twenty or twenty-five feet away from him and pointed the pistol at him; the first time he snapped the pistol it did not go off; then he said, "Oh, my God! don't you shoot me," and tried to run in the door when he felt the ball go into his side; he saw the pistol in the hand of the prisoner; saw him fire and heard the explosion; previous to the shooting the prisoner said something, but he was not near enough to hear what it was; after the complainant was shot, thinking Evers was going to fire again, he stood in the door, but the prisoner, instead of going in, went round the corner and ran up the street; then Curran ran out and told some men that he was shot, whereupon a crowd ran after the prisoner, exclaiming, "You have killed this man;" at this time a car was coming round the corner, and two policemen were on it; they jumped off and arrested the prisoner, who, together with Curran, was taken to the station house, and from there the latter was conveyed to the Park Hospital, where he remained nearly a month under medical treatment; the witness said that he kept a boarding house, and had had trouble with Evers previous to the shooting.

Mr. Howe, who defended the accused, in cross-examining the prosecuting witness, asked him if he was not called "Bullet" and was not arrested several times for felonious assaults upon citizens and police officers during the last five years, to which he replied that he was sometimes called that name, but was never arrested for attempting to kill anybody. He, however, admitted that he was arrested on December 22, 1871, charged with feloniously assaulting Louis Hanson, and that on the 26th of January, 1872, he was arrested for an assault on Francis Campbell, and that he was tried at the Special Sessions upon the latter charge and fined; that on January last the prisoner and he had a fight and Evers had him arrested; that on the day of the shooting he did not call Evers an opprobious name, or threaten to throw him overboard or exhibit any weapon.

Dr. Early testified that he had the complainant under his charge and treated him for a pistol wound in the left side of the chest; that he considered at the time the wound to be dangerous, but it was now healing rapidly; the ball was not found, nor did he probe for it.

Thomas McLaughlin stated that there was no fighting between the complainant and the prisoner previous to Evers firing the pistol at Curran, and he did not hear any words pass between them.

Mr. Howe, in opening, said that he would show the dangerous character of the complainant, and that the accused fired the pistol in self-defence. He called a witness named John Chase, who swore that he saw Curran and Evers wrangling, and that the complainant struck at the prisoner and threatened him, saying:—"If I get you down here again I will throw you overboard;" Evers broke away from him, and the next thing which the prisoner heard was the report of a pistol. The case will be resumed this morning.

Burglaries and Larcenies.

Thomas Rooney and John Britton (boys) pleaded guilty to an indictment charging them with breaking into the lager beer saloon of Charles Langenback, No. 517 East Sixteenth street. Rooney was sent to the House of Refuge and Britton to the Catholic Protectory.

William Bentley, indicted for burglariously entering the premises of Byron Fox, No. 34 Varick street, on the 13th of June, and stealing four silver watches, worth $40, pleaded guilty to an attempt at burglary in the third degree. He was sent to the State Prison for two years and six months.

Charles W. Bancroft, who was charged with embezzling $26 on the 29th of May from his employer, Horace Ingersoll, pleaded guilty to the charge, and was sent to the State Prison for two years.

Hugh Cunningham, who, on the 12th inst., stole two cloaks worth $35, owned by Estelle M. Horton and Clara Woodford, pleaded guilty to petty larceny. The sentence was six months in the Penitentiary.

An Acquittal.

Thomas Price, who was jointly indicted with John Duffy, charged with stealing a gold chain worth $60 and $29 in money from the person of Charles W. Paul, on the 23d of May, at his saloon, No. 28 West Houston street, was tried and promptly acquitted by direction of the Court, there not being a particle of evidence implicating him in the alleged theft.

POLICE COURTS.

THE TOMBS.

Fourth Ward Pickpockets.

Before Judge Flammer.

Yesterday morning as Mr. Christopher Metzger was passing down Roosevelt street on his way to the ferry a young man jostled against him. He remonstrated, but the young man passed on, and as Mr. Metzger was about to resume his walk to the ferry another young man bobbed against him. Thinking that words might induce the young men to enlarge his cranium, he passed by, but suddenly he thought of his money, and, on putting his hand into his pocket, he discovered that he was minus $15. Officer Kelly, of the Fourth precinct, was called, and succeeded in arresting Thomas Dealy and Christopher Sherlock, who were walking quite leisurely towards the Bowery. Mr. Metzger recognized both the prisoners as the men who had jostled him in the street, and the Judge held them in $1,500 each to appear for trial at the Court of General Sessions.

Robbing a Candy Man.

Two youngsters, named Joseph Keating and Michael Powers, aged respectively twelve and nine years, were arrested yesterday by Officer Floyd, of the Third precinct, on the charge of Mr. William McClelland, for burglariously entering the premises of Messrs. Greenfield & Strauss, at No. 63 Barclay street. It appears that the youthful burglars effected an entrance into the house by raising the grating on the street and dropping down into the area. The profits of the expedition amounted to thirty-five cents, and the prisoners were remanded to jail, in default of $1,500 bail each, to answer the charge of burglary in the Court of General Sessions.

Robbed of His Watch.

As Mr. Reilly was passing through Batavia street on Sunday night he was assaulted by Robert R. Johnston, who relieved him of his silver watch, valued at $20. Officer Kelly, of the Oak street station, arrested Johnston, who was locked up for examination.

ESSEX MARKET.

Arraignment of the Tivoli Garden Prisoners.

Before Judge Kasmire.

As early as eight o'clock yesterday morning some 300 people had gathered around the doors of Essex Market Court awaiting the arrival of the persons who were arrested at Paul Falk's Tivoli Garden on Sunday night. Several of them had been present in the Garden at the time of the raid, and a few gentlemen gave very graphic descriptions of the attack made by Captain Mount and his men.

About nine o'clock a stream of people was seen coming down Essex street. About eight officers with as many prisoners were making their way towards the Court, followed by an immense crowd of men, women and the children who abound in this vicinity. The prisoners passed within the portals and immediately afterwards a carriage drove up containing the three ladies who were arrested behind the scenes for being clad, as is alleged, in theatrical costume.

Then came Falk himself and his counsel in another carriage. The court room was packed and the atmosphere was almost stifling. As soon as the watch was disposed of Judge Kasmire called up Captain Mount, of the Seventeenth precinct, and asked him what charge he had to prefer against the prisoners arrested by him and his officers in the premises called Tivoli Garden.

Captain Mount (waving his hand)—They were participating in a theatrical performance, Your Honor, contrary to and in direct violation of the Sunday law.

Counsellor Hummel, coming to the front, at once interposed—Your Honor, I think the Captain is somewhat mistaken on that point, and I also think that the liberal public sentiment of the people of New York will regard the arrest of these people as an outrage which is a disgrace to a country boasting of its tolerance and free institutions. The performances at the Tivoli Garden were of a purely popular character, intended for the amusement of the masses. The police have as much right to make a descent on Thomas' Gardens, at Fifty-ninth street and Seventh avenue, where the aristocratic element of our society congregate every Sunday evening, or even on the concerts given by Mlle. Ilma di Murska. There is really no difference between Mlle. di Murska and these ladies here, except that she may be a far more talented and sweeter singer.

Judge Kasmire—I think there is some truth and justice in what you say, Counsellor; but as for the Captain, he merely obeys the commands of his superior officers. I have no feeling in the matter. I merely wish to make this a test case.

Counsellor Hummel—Mr. Falk stands ready to test the legality of the arrests, and we in that case desire an examination.

Judge Kasmire—Captain, point out some of these people against whom you can make a specific charge.

Accordingly, Ida Florento of No. 553 East Fourth street, Frederica Reisch of No. 430 East Ninth street, and Margaret Powers of No. 39 Marion street, the three young women who were found on the stage in theatrical costume, as alleged, were held in $300 bail to answer, but were subsequently discharged on parole to appear for examination on Wednesday next. The rest of the party, whose names are as follows, were all discharged:—Michael Feely, No. 416 East Ninth street; Leonardo Fleury, No. 112 Canal street; Joseph W. Gilmore, No. 5 East Fourth street; William Geiselberg, of No. 18 St. Mark's place, and Matilda Seeley, of 416 East Ninth street.

A Clever Conductor.

Frederick Schell, of No. 27 avenue B, was riding on car No. 73 of the Dry Dock and East Broadway line on Saturday evening about six o'clock. Two men who were standing on the platform very close to him jumped off the car at Clinton street, near Grand, and one of them immediately started to run. Mr. George Smalley, the conductor, cried out, "Has any gentleman lost anything. Those two men that just got off are pickpockets." Mr. Schell at once put his hand in his coat pocket and discovered that his wallet, containing $105, was gone. He at once gave chase to the fugitives and with the assistance of officer Cullen, of the Thirteenth precinct, succeeded in arresting one of them named George Davis. Judge Kasmire yesterday held Davis in $1,000 bail to answer.

Dangers of Picnicing.

A very pretty young girl, named Rosanna Gore, of No. 243 Elizabeth street, came into court yesterday morning and made a charge of attempted assault against one Thomas Walsh. The girl stated to Judge Kasmire that she had accompanied Walsh to the picnic of the Sullivan Association at Myers' Grove, Staten Island, on Saturday last, and while there the outrage was attempted. She ran away from Walsh at the time and came home without him. Yesterday she procured his arrest in New York by Officer Larkin, of the Seventh precinct. The Judge, after hearing the complaint, decided to remand the prisoner to the custody of the Richmond county authorities, where Rosanna was instructed to go and make her affidavit against Walsh.

JEFFERSON MARKET.

Tracing a Clever Robbery.

Before Judge Murray.

Last Thursday afternoon two young men, named Edward W. Randlett, of Brooklyn, and John W. Bennett, of No. 126 West Twenty-seventh street, came into the liquor store of Joseph W. Lamb, on Sixth avenue, had a few drinks, and Bennett negotiated a loan with Mr. Lamb on some five pawn tickets. The two went away and Randlett returned shortly afterwards. A few minutes later Charles Tweedy and John Harrington came and asked Mr. Lamb to come outside to look at a sewing machine which they wished to sell. Mr. Lamb, after waiting on two or three customers, went outside, and not long after returned to the store, when he missed his coat, which was hanging behind the bar, and in the pockets of which were two wallets containing $600 in money, two checks and the pawn tickets which he had received as collateral from Bennett. When Mr. Lamb missed his coat he remembered that it was behind the bar when he went out to look at the sewing machine, and he also remembered that Randlett, Tweedy and Harrington went up the street together. On Friday he procured the arrest of Tweedy and Harrington. They were remanded from court in order to obtain further evidence. Between one and two o'clock yesterday morning an officer of the Twenty-ninth precinct arrested Randlett and Bennett, in company together in a saloon on Sixth avenue. They were searched at the station house and the pawn tickets, which were in one of Mr. Lamb's pocketbooks, were found in the possession of Bennett. The four prisoners were arraigned before Judge Murray, yesterday morning, and appeared quite cool and unconcerned. They were dressed very fashionably and had the general appearance of young men about town. They were all held to answer.

Another Burglar Caught.

James Gillen, alias Barry, alias Barrett, of No. 527 West Twenty-seventh street, was arrested Sunday night and was yesterday charged with being concerned in the burglary on the premises of Albert L. Thompson, No. 440 West Twentieth street, on Saturday night. He was held in $5,000 bail to answer.

FIFTY-SEVENTH STREET COURT.

A Murderer Committed.

Before Judge Smith.

James O'Niel, who was arraigned for the stabbing of Richard Powers, on the corner of Twenty-fourth street and First avenue, on Sunday, was committed to await the result of his victim's injuries. The quarrel between the two men had its origin in too much whiskey.

The Supposed Robbers of Ex-Recorder Smith's House.

These persons, whose names are Charley Miller, Dick O'Donnell and Fanny Brown, were arraigned. The circumstances under which they were arrested by officers Mallon and Hamby, of the Eighteenth precinct, were related in an undertone to the magistrate, Judge Smith, who said he did not consider the evidence presented sufficient to warrant their detention. Officer Hamby said if the prisoners were remanded he would in a day or two be able to furnish further evidence of their guilt. The Court agreed to grant the request, but refused to give a warrant to enable the officer to search a house.

COURT CALENDARS—THIS DAY.

Supreme Court—Chambers—Held by Judge Westbrook.—Nos. 21, 34, 51, 68, 71, 79, 85, 95, 96, 127, 136, 138, 152, 153, 157, 167, 169, 173, 178, 180, 181, 184, 186, 187, 190, 191.

Supreme Court—Special Term—Held by Judge Donohue.—Demurrers—Nos. 4, 25, 31. Issues of law and fact—Nos. 54, 166, 117, 192, 11, 15, 30, 34, 85, 146, 163, 18, 86, 199, 16, 57½, 69, 83, 84.

Supreme Court—Circuit—Part 2—Held by Judge Van Brunt.—Nos. 3022, 1578, 90, 1518, 3376, 3356, 1868, 1636, 2360, 3552, 3354, 3628, 3,202, 3054, 1014, 1049½, 2472, 1222, 3210, 1838. Part 3—Held by Judge Van Vorst—Court opens at half-past ten A. M.—Nos. 3125, 731, 1657, 183, 611, 441½, 1145, 669½, 2345, 2351½, 3127, 637, 3619, 1041, 292, 1653, 1643, 447, 1651, 1063.

Common Pleas—Trial Term—Part 1—Held by Judge Robinson—Court opens at eleven A. M.—Nos. 4290, 4239, 4136, 4079, 4237, 4098, 4113, 4275, 1173, 344, 1805, 3770, 3396, 3493, 866, 1363, 1214, 2477, 1264, 1036, 4051, 3540, 3694. Part 2—Held by Judge J. F. Daly.—Court opens at eleven A. M.—Nos 1370, 4291, 1838, 3903, 2631, 2570, 2571, 2739, 2092, 4276, 4279, 42, 1625, 2665, 4219.

Marine Court—Trial Term—Part 1—Held by Judge McAdam.—Nos. 4093, 5123, 5526, 4566, 5536, 5537, 5544, 5552, 5519, 5581, 4214, 4216, 4406, 4930, 1465, 5126, 5451, 5487, 5509, 5438, 5416, 4508. Part 2—Held by Judge Gross.—Nos. 2091, 4453, 5120, 4060, 4498, 4804, 5183, 2383½, 3722, 4182, 5446, 5457, 5219, 5220, 4671. Part 3—Held by Judge Spaulding.—Nos. 5187, 4363, 5382, 5066, 5091, 5158, 5168, 5169, 1568, 3922, 3281, 5484, 5511, 5512, 5535, 5515, 5486, 5466, 5444, 5245, 4965.

Court of General Sessions—Held by Recorder Hackett.—The People vs. Thomas Price and John Duffy, robbery; Same vs. William Reilly, robbery; Same vs. Frans Popischie, rape; Same vs. Patrick McGuiness, felonious assault and battery; Same vs. John Nolan, felonious assault and battery; Same vs. Mathew McCabe, felonious assault and battery; Same vs. John McCarty, burglary; Same vs. Alonzo Green, burglary; Same vs. Augustus Mutel, grand larceny; Same vs. John S. Wilson, grand larceny; Same vs. Adam Soliar, grand larceny; Same vs. Hervy Stelling, grand larceny; Same vs. Lizzie Grady, grand larceny; Same vs. Mary Moore, larceny from the person; Same vs. Denis Sullivan, larceny from the person; Same vs. Peter Dantz, larceny from the person; Same vs. Herman Shiner, larceny from the person; Same vs. John W. Elder, false pretences.

SUPREME COURT CALENDAR.

Buffalo, N. Y., June 22, 1874.

General Term, Fourth Department, Day Calendar, June 23, 1874.—Nos. 38, 40, 41, 58, 68, 140, 145, 164½, 167, 170.

BROOKLYN COURTS.

OYER AND TERMINER.

Another Eastern District Tragedy.

Before Judge Pratt and Associate Justices.

Philip Kleinman, a middle-aged German, was placed on trial yesterday on the charge of having killed William Platford, in Moore street, Eastern District, on the evening of the 23d of May last. The indictment is for murder in the first degree. It seems that on the evening in question the prisoner and his son were walking along Moore street in company with their wives, when Platford and another party came along and a row between them ensued. It was charged that Platford and his companion brushed against the Kleinman women, and this so angered their husbands that the latter turned upon the other men and struck them. The companion of the deceased swore yesterday that the wife of the younger Kleinman slapped his face and knocked off his hat, and that while he was stooping to pick his hat up Platford was stabbed by the elder Kleinman. The witness' name is Adam Pfeiff, and he lives at No. 32 Graham avenue. Other testimony was introduced, showing that it was the prisoner who stabbed deceased. The wound was in the head, and Platford died a few hours after receiving it.

The defence is justifiable homicide. The wife of the younger Kleinman testified that Pfeiff struck her mother and herself, and that then the prisoner came up and defended them with his knife.

The prisoner swore that he saw several men, among whom he noticed Pfeiff, striking his wife, and that he ran up and struck at them with his knife.

This is the whole case briefly told. There is no interest attached to the trial outside of the prisoner and his relatives and friends. The proceedings yesterday attracted but few spectators to the court room. The counsel for defence will sum up after the opening of the court this morning.

SUPREME COURT—SPECIAL TERM.

A Woman After Her Husband.

Before Judge Tappen.

A handsome, fashionably dressed lady, who states that her name is Gertrude A. Smith, procured a writ of habeas corpus requiring Sterling Smith, a wealthy resident of the Heights, to produce the body of his son, Sterling S. Smith. Gertrude alleges that Sterling is her husband and that his father is keeping him from her. The defence makes young Sterling out as a sort of prodigal son. It is charged that he went off to waste his substance in riotous living, and that, while intoxicated, he became acquainted with the complainant and was induced to marry her. After becoming sober and realizing his position he repented and arose and returned to his father's house. He is now in the country recuperating.

Judge Tappen sent the case to a referee to take testimony.

MORTIMER SULLIVAN'S MURDER.

The Coroner's Inquest—Verdict Against Mark Gill.

Coroner Woltman yesterday held an inquest in the case of Mortimer Sullivan, who was shot dead last Friday morning, in the liquor store at the corner of Greenwich and Murray streets, by Mark Gill, a companion who had been drinking with him there and elsewhere. Gill was at once arrested, and has since been confined in the Tombs, whence he was brought to the court room in the Coroner's office, corner of Houston and Mulberry streets yesterday morning, heavily ironed, in charge of several policemen. He is a small man, about five feet four inches in height, has dark brown hair and eyes, is smooth shaven, twenty-six years of age, and has a face which, without indicating much intelligence, affords, on careful inspection, none of those suggestions of ferocity or recklessness which we look for in those who in cool blood slay their fellows. His right hand was bandaged and carried in a sling in consequence of a wound received on the morning of the fatal occurrence. He listened with evident interest to the statements of the several witnesses, and occasionally suggested to his counsel some question or explanation bearing on the testimony; but, though the issue involved in the examination concerned the sudden and apparently unprovoked killing of a friend, whose death left a woman widowed and a young family fatherless, and though the termination of the inquest might be a step on his short road to the pain and ignominy of the scaffold and death at the hangman's hands, he showed no full appreciation of the position in which he was placed and of the import of the proceedings. At the close, when questioned by the Coroner, he sprung to his feet with the alacrity of a ready messenger, answered the formal questions without a trace of feeling, and signed his name to his statement as nimbly as though it were a pay roll or a freight receipt. Ex-District Attorney Garvin sat beside the prisoner as counsel. He apparently thoroughly weighed the evidence as it was developed, putting but few questions to the witnesses and those few mainly pointing to the inquiry as to the degree of sobriety or inebriety of the prisoner when he sent the leaden messenger of death crashing into Mortimer Sullivan's skull, through the course of the optic nerve.

Doctor Early, of the Park Hospital, who made the autopsy, was the first witness called. He explained to the jurors the cause of Sullivan's death, asserting without hesitation the opinion that he was killed by the pistol shot wound in the eye, the bullet lacerating the substance of the brain.

THE MURDERER ON THE STREET.

William Bates, of No. 509 Pacific street, Brooklyn, being sworn, said:—On last Friday morning, about nine o'clock, I was, with a friend, passing down Murray street; in passing the corner of Greenwich street we heard two men quarrelling in the liquor store; they were talking about yachts; after stopping at the door a short time we passed on, and when we had gone a few steps heard a shot fired, and, turning back, I saw the prisoner, Gill, run out, with a pistol in his hand; I cried, "Stop him—he's shot a man," and ran after him into College place; saw an officer approach him; prisoner halted and then seemed to spring to run again, when the officer seized him and called for help; I took hold of prisoner's arm and went with him to the station house; he was bleeding in the right hand; I did not lose sight of prisoner from the moment he left the store till after he was in the station house.

To prisoner's counsel—I did not see or hear a second shot fired.

Stephen R. Smith, sworn—I live at No. 86 Fleet place, Brooklyn; last Friday morning I was going down Murray street; when in front of Meyers' saloon, corner of Greenwich street, heard loud talk; looked in; saw one man with a dice box in his hand and the other had something in his which might have been a knife or a pistol; this man, the prisoner, now here, is that man; the other threw the dice on the counter and challenged the smaller one to beat it; I went along; had gone perhaps twenty feet when, hearing a pistol, I said, "I'll bet he's shot that man," and we turned back; prisoner was running from the door and the other man lay on the floor; I called out, "He has shot a man," and ran across the street and up towards College place, keeping prisoner in sight till the officer seized him; saw prisoner face about as though he would shoot; I then went back to the saloon and saw the other man lying dead on the floor; assisted to carry him to the police station.

STATEMENT OF AN EYE WITNESS.

John P. Weibrock, bartender at No. 87 Murray street, sworn—Last Friday morning, about eight o'clock, Gill, the prisoner, and Morty Sullivan came into our place and called for drinks; they drank several turns and got to talking about yacht racing and the race of the next day, Saturday; Sullivan wanted to bet $5 on the Dreadnaught; Gill got $5 from his boss, who was in the store, to bet, the money to be put in my hands; Sullivan had only $2 to cover it, and I handed the money back to them across the counter; Gill then gave the $5 back to Tim, his boss; I don't know his other name; they talked more; Gill wanted to spar with Sullivan and hit him in the face, but Sullivan did not seem to mind it, and smiled, putting his hands into his suspenders; Gill then asked his boss for money again; he gave him $6, and Gill went out; after he was gone Sullivan said Mark was too small for him to fight with; he stayed in the store and was talking and sparring with Tim, Gill's boss; after a few minutes Gill came in again; Sullivan was standing at the counter and said, "Now, I suppose, you are fixed for me;" Gill said, "Yes, I am," and, pulling a revolver from his vest pocket, fired it down towards the floor; he then dropped it on the floor and picked it up again; Sullivan said, "You can shoot me if you want to," and made some remark about Gill being a coward for getting a pistol; he then took the dice box, threw them and asked Gill if he could beat the throw; Gill said, "I can," and at once raised the pistol to the level of his eye and fired; Sullivan fell on the floor and Gill ran out; I saw the crowd following him up the street; then I came back to Sullivan, who moved his mouth only once before dying; I did not see Gill cock the pistol; neither seemed to be very drunk; think they knew what they were doing.

Michael Shea, of 148 Leonard street, was in the store at the time of the shooting. Did not see the shot fired, being looking at the bottles behind the counter at the time. He corroborated the previous witness in most of his statements.

THE STORY OF THE ARMOURER.

Peter Cerbitt sworn.—I am a salesman in the gun store No. 279 Greenwich street. Sold a small "Groomer" revolver last Friday morning about nine o'clock to the prisoner. He paid $5 50 for it. I asked him if he wanted a package of cartridges for it. He said No, he could get enough lying round. He asked me to load it, which I did. I did not then notice that he was drunk. He made no statement why he wanted the pistol. After buying it he asked me to go with him for a drink or a smoke. I then noticed that he had been drinking. Some twenty or thirty minutes after, I heard the shot fired, the shout for the police, and saw the crowd run up the street. Cannot say if this is the pistol. It is like it. We sell many of that kind.

Frederick Selborn, sworn—I am barkeeper at Greenwich and Murray streets, opposite the place where Sullivan was shot; about eight o'clock Friday morning Sullivan and Gill came in our place and had drinks together; Sullivan went in the yard, and while he was out Gill wanted to get a knife, one we keep to cut pies and meat; we would not let him take it; Sullivan passed out into the street and Gill stayed some time after; he was a little intoxicated; he did not stagger.

Charles O. Sheldon, sworn—Am the officer who arrested Gill; I was on a wagon; saw the crowd running into College place and jumped from the wagon and ran for the prisoner; he tried to fire at me; I caught the pistol between the hammer and the cock and wrenched it from him; he had fired just before and his hand was bleeding; I called citizens to help and we took him to the station house; this is the same pistol.

THE VERDICT.

Coroner Woltman, after briefly explaining their duty to the jury, sent them in charge of an officer into an adjoining room to deliberate on their verdict. In a few minutes they returned and presented the following:—

"We find that the deceased, Mortimer Sullivan, came to his death from a pistol shot wound, and that the pistol was fired by the prisoner, Mark Gill."

A warrant was made out by the Coroner for Gill's detention in the Tombs to await the action of the Grand Jury. The handcuffs were then replaced upon his wrists and he was escorted back to his lodgings, No. 58 Murderer's Row.

MUNICIPAL AFFAIRS.

The Board of Apportionment.

Contrary to general expectation no meeting of this Board took place yesterday, although great pressure was brought to bear upon Messrs. Vance, and Wheeler to go into a secret session. This the gentlemen just named peremptorily declined, when finally a call was issued to meet to-day, at eleven o'clock.

It has transpired, on high authority, that the Corporation Counsel admits that he gave his opinion to the Court House Commissioners on the erroneous statement made to him by the Comptroller and to the Commissioners, that the law, as stated in the letter of Messrs. Vance, was correct and that he would have advised the Commissioners similarly had the Comptroller not misled him. The Corporation Counsel says that when there is no appropriation there can be no expenditure.

Struggle of the Court House Commissioners.

On the first flush of excitement consequent upon the action of the New Court House Commissioners taking forcible possession of a room in that incomplete building, it was anticipated that Commissioner Van Nort would at least have the recalcitrant Commissioners arrested and placed in durance, if only for a few minutes. Mr. Van Nort, however, was not in his office all day Saturday, when the occurrence took place, and yesterday afternoon it was past three o'clock when he put in an appearance. Then the Commissioner stated that he could not say what he would do in the premises, as it was always a good policy to "make haste slowly." Mr. Van Nort says that the assignment of room in the city buildings devolves upon the Board of Aldermen under the Consolidation act. He is only charged with the care of the same. The Court House Commissioners made a requisition upon him for an office in the new Court House, to which he replied with the following letter:—

Department of Public Works,
Commissioner's Office, Room 19, City Hall,
New York, June 17, 1874.

To the Commissioners for the Completion of the New Court House:—

Gentlemen—I return to you herewith the communication of the Counsel to the Corporation, written in answer to a request made by you for his opinion, as to your power to enter, take charge of and control the building until its completion.

The Counsel to the Corporation in this communication advises you that "there is no doubt that you may enter, traverse, occupy, control and protect the buildings so far as is necessary and reasonably convenient to effect the object of your appointment, which is to complete its erection. It is equally clear that you have the right to take, occupy and use within the building a room as an office for the proper direction and discharge of the obligations imposed upon you by law."

And again you are advised that your rights in this respect "may be exercised on your own motion and authority, unquestioned by any other power."

It is unfortunate that there should arise any conflict in reference to this matter between the Board of Aldermen, vested by the Consolidation act with the power of assigning the rooms of this building to the various courts and officers (which power is not in me, as the Corporation Counsel advises you) and the Counsel to the Corporation. But in this instance I consider it my imperative duty to obey and carry into effect the resolution of the Board of Aldermen, which you will find on the second page of the *City Record* of the 15th inst., and by which the Judges of the several courts and others occupying offices in any public or other building of the city, by direction of the former Board of Supervisors, are instructed to disregard and disobey every direction in reference to any new assignment of such rooms and offices emanating or purporting to emanate from any authority other than the Board of Aldermen.

So far, therefore, as any of the rooms in the building of the new Court House are occupied by any Courts or officers of the city and county of New York, your authority, on your own motion to enter or disturb the present occupants, will not be recognized, or the exercise of such authority permitted.

It will afford me pleasure to give you every facility in my power for the purpose of carrying out and performing every duty which you are authorized by law to execute and to perform, and to arrange so that your duties may be performed without any obstructions to their proper execution, and with as little interference as possible with the use of the building, for the purpose to which it is now applied. Very respectfully

GEORGE M. VAN NORT,
Commissioner of Public Works.

Notwithstanding this information the Commissioners took upon themselves the task of forcing themselves into a room occupied by the Supervisors.

One of the Commissioners stated to the Herald reporter that they acted upon the advice of the Corporation Counsel, but this Mr. E. Delafield Smith positively denies. He says that he has not given any counsel regarding the taking possession of a room.

A call is out for a special meeting of the Board of Aldermen for Friday afternoon to take action upon this matter.

The City Treasury.

Comptroller Green reports the following disbursements and receipts of the Treasury yesterday:—

DISBURSEMENTS.	
Claims paid (number of warrants, 55), amounting to	$15,435
Payrolls paid (number of warrants, 225), amounting to	36,002
Total	$51,437
RECEIPTS.	
From arrears of taxes, assessments and interest	$8,860
From water rents	2,895
From rents and licenses, Department of Public Parks	31
From connections with sewers and drains	310
From sale of vitrified stoneware pipe	123
From sales of *City Record*	19
From licenses, Mayor's office	164
From market rents and fees	2,005
Total	$14,409

BROOKLYN MUNICIPAL AFFAIRS.

The Mayor Recommends the Acceptance of the Provisions of the Bridge Bill—Nominees for Membership of the Board of Education—Dogs' Days To Be Numbered.

At the regular weekly session of the Common Council, held yesterday afternoon, President Bergen in the chair, the following communication in reference to the bridge enterprise was received from Mayor Hunter:—

Mayor's Office, Brooklyn, June 22, 1874.

To the Honorable the Common Council:—

Gentlemen—I herewith transmit a communication from the Executive Committee of the New York Bridge Company, with accompanying act of the Legislature.

The amended act provides for the completion of the bridge, and that whenever the private stockholders shall give their assent to the retirement of their stock the management shall be placed under the control of the two cities. In view of the great interest which the cities have in the speedy completion of the work I recommend the acceptance of the provisions of the bill on the part of the city of Brooklyn. Very respectfully,

J. W. HUNTER, Mayor.

The letter alluded to by the Mayor was also read as subjoined:—

Hon. John W. Hunter, Mayor of the City of Brooklyn:—

Sir—I am directed by the Executive Committee of the New York Bridge Company, in pursuance of a resolution adopted by the company committing the subject to them, to transmit to you the accompanying act of the Legislature at its last session, providing to make the bridge over the East River a public work, and to retire the private stockholders, with a request that you will communicate the same to the Common Council of the city of Brooklyn for such action as you may deem proper to recommend under its provisions.

HENRY C. MURPHY, Chairman, &c.

Brooklyn, June 19, 1874.

The matter was referred to the Committee on Parks and Bridges.

The following named gentlemen were nominated to be members of the Board of Education, by the Mayor:—Thomas McGrath, in place of De Hart Bergen; Jonathan S. Burr, in place of Jonathan S. Burr; Thomas Carroll, in place of Thomas Carroll; John L. Marcellus, in place of John L. Marcellus; John W. Flaherty, in place of John W. Flaherty; L. V. D. Hardenbergh, in place of L. V. D. Hardenbergh; James Hall, in place of James Hall; Joseph McGee, in place of Dwight Johnson; Adrian M. Suydan, in place of Andrew B. Martin, declined; James Murphy, in place of James Murphy; A. W. Shepard, in place of A. W. Shepard; W. M. Thomas, in place of W. M. Thomas; Thomas Prosser, in place of Marvin Cross; Cornelius H. Schapps, in place of Cornelius H. Schapps; George B. Farrington, in place of Thomas Kinsella; William Schwartzwalder, in place of John F. Hennessy, resigned; De Hart Bergen, in place of Marcus Riggs.

The subject was referred to the Committee on Public Schools.

A petition was received from several citizens asking permission to erect a platform on Bedford avenue square for the celebration of the Fourth of July. The matter was referred to the "Glorious Fourth" committee.

Alderman Trowbridge offered the following:—Resolved, That the attention of the Police Department be called to the existing ordinance relative to dogs running at large, and that each and every policeman be requested to kill every dog found in the streets or vacant lots in the city of Brooklyn.

It was moved as an amendment to include goats.

Alderman Trowbridge hoped the resolution would not be hampered by any such amendments.

Alderman Ropes thought a simple resolution calling attention of the police to the ordinance would be sufficient.

Alderman Nolan offered a preamble and resolution to the effect that the daily occurrences of hydrophobia in our midst rendered universal protection necessary for the preservation of life, and that the attention of the Police Department be called to the matter.

The subject was referred to the Finance Committee, who, in connection with the Corporation Counsel, are to construct an ordinance which will effectually eradicate the dog nuisance, which is so glaring in Brooklyn.

THE NEW CURRENCY BILL.

How the News of Its Approval by the President Was Received—Cheering Views of Prominent Bankers and Merchants—The Salutary Effect of the New Measure.

The announcement that President Grant had signed the new Currency bill created a favorable impression in this city. There was no great commotion, no vast crowds assembled in Wall street to discuss the probable effects of the new bill; but in their private offices and in the clubs, restaurants and hotels, bankers, brokers, bank presidents and merchants expressed their views of the measure. The tone of discussion was decidedly favorable. People who had to gain or suffer by the action of Congress declared that they were glad that this troublesome problem of legislation had at last been solved without any serious detriment to the business interests of the country, that all danger of inflation measures had vanished, and the veto of the President had been—in part at least—sustained. Many of the bankers who expressed themselves on the subject emphasized their gratification at the fact that Congress could, for this reason, at all events, "do no more mischief;" and if our honorable legislators had heard the epithets which were applied to them so generously by many of the most solid men of the city they would have come to the conclusion that their legislative wisdom was not held in very high esteem in New York. Some of the merchants and bank presidents were rather indifferent on the subject, and, when called upon to state their views, declared plumply that they had not read the new bill, and did not know anything about it. Mr. A. T. Stewart was one of those merchants. He was unwilling to give an opinion until he had seen and read the bill. Mr. Schreiner, the acting President of the German-American Bank, could give no opinion on the subject. A great number of the prominent men who were called upon were out of town, but the views given below will suffice to convey an idea of the impression which the new measure has made.

MR. GEORGE OPDYKE'S VIEWS.

Mr. George Opdyke thought the bill was a very judicious one, as it did not authorize the issue of any additional or the withdrawal of the present currency. "It leaves it precisely where it is," he said. "A very excellent feature of the bill is that it legalizes the issue of the $26,000,000 which the Executive put out and forbids the withdrawal of any part of that issue in the form of a reserve. It sets free about $25,000,000 of greenbacks which are now held by the banks as a reserve for their bank-note circulation. This fixes the volume of greenback circulation at about $50,000,000 more than it was before the panic. The provision authorizing the shifting of $55,000,000 of bank note circulation from the States having an excess, to the States having a deficiency, is a good one, although the process will be slow, on account of the want of capital in the South and West. From the fact that it settles the volume of the currency its effect will be salutary on the business interests of the country, and have a tendency to restore the confidence of the business community." When asked whether the bill was an inflation measure Mr. Opdyke said that it slightly increased the volume of circulation, and might therefore be regarded in that light.

WHAT MR. JOSEPH SELIGMAN SAYS.

Mr. Joseph Seligman, who was one of the most decided opponents of the last bill, thought the effect of this measure would be good. He deemed it praiseworthy on the part of the President that he did not insist on the strict execution of his programme for the resumption of specie payment, but endeavored to gratify the people of the South and West by giving his assent to this compromise measure. The effect would be to restore confidence, more especially as the people now felt certain that President Grant would never sign an out-and-out inflation bill, but that he was determined, on the contrary, to resume specie payment as soon as possible. He had conversed with many bankers and merchants on the subject, and the bill was generally viewed in a favorable light. It would tend to give a stimulus to business, inasmuch as the volume of greenback circulation stood at last upon a stable foundation. It was a great comfort to know this after the uncertainty which had existed for several months.

MR. HORACE B. CLAFLIN'S OPINION.

Mr. Horace B. Claflin, thought it was a compromise bill which would be acquiesced in by all parties. It fixed the amount of currency and released the reserves from the banks, which would add to it. As to the effect which the bill was likely to produce on business generally, he thought it would be apt to be favorable. When asked whether he could state how it would probably affect the dry goods trade in particular Mr. Claflin replied, "Oh, what's good for one branch of business is good for all." Mr. Claflin was of the opinion that a fair business would be done in dry goods at moderately low prices.

A PROMINENT BANK PRESIDENT

who requested that his name might be withheld, thought the measure would have a good influence. Its only deficiency, in his opinion, lay in the fact that it did not authorize free or unlimited banking. "I think," he added sarcastically, "that it will restore confidence in Congress—until it meets again. I, for my part, have no confidence in the members of Congress. They are a lot of unscrupulous politicians, and we cannot expect that they care for anything but the loaves and fishes. If we had more solid business men in Congress such a disgraceful inflation bill as that which was defeated principally by the *Herald*, would have never been passed. I think General Grant was very wise in listening to the appeal of the *Herald* on that occasion."

VIEWS OF MR. WILLIAM S. DUNN.

Mr. William S. Dunn, of H. B. Claflin & Co., said the only feature of the bill which had any especial interest for dry goods merchants, was the fact that it fixed a standard of circulation. "If Congress would only do us the favor to adjourn promptly," he observed. The business interests of the country had, in his opinion, suffered greatly under the mismanagement of Congress. Business had been stagnant thus far. Merchants were unwilling to make even ordinary overtures, because they did not know whether they were to be judged by one standard of currency or by another. They could accommodate themselves to almost any state of affairs; but the trouble was that nobody knew what Congress would do, and this uncertainty was very detrimental to trade. This bill gave them at least a foundation to work upon.

MR. HENRY CLEWS' STATEMENT.

Mr. Henry Clews was one of the many bankers who were so busy that they had time to say but a few words in regard to the subject. If brevity is the soul of wit, then Mr. Clews' opinion deserves commendation. "I think the effect of the new currency bill will be good," Mr. Clews said, and he plunged again into business.

THE SALEM (N. J.) MURDER.

The trial of William Sadler, a negro, for the murder of a white woman named Abigail Dilks was set down for yesterday in the Court of Oyer and Terminer of Salem county, before Judge Vansyckle. District Attorney Slape moved for a postponement on the ground that the State had not yet secured the necessary evidence in the case, as there was new evidence, which could not be procured at the present term. The Court granted the application, and the case was set down for the October term. A dozen witnesses, who were in custody, were discharged on their own recognizance. They had previously been in confinement.