COURT OF ARBITRATION.

Proceedings at the Opening of the Chamber of Commerce Court.

ADDRESS OF JUDGE FANCHER.

Speeches of Distinguished Merchants, Lawyers and Editors.

The Court of Arbitration in connection with the Chamber of Commerce was opened yesterday, W. E. Dodge, President, in the chair. Among those present were George Opdyke, David Dudley Field, Dudley Field, S. B. Chittenden, General Davies, D. M. Stone, Archibald Baxter, George W. Dows, Luther R. Marsh, Joseph H. Choate, John H. Kemp, F. B. Thurber, William H. Webb, S. D. Harrison, Demas Barnes, ex-Judge Jackson, George W. Cottrell, John F. Henry, James P. Wallace and A. R. Whitmore.

Mr. W. E. Dodge opened the proceedings in a few brief and appropriate remarks, in the course of which he said that the idea of an arbitration court was not a new idea. For thirty years the Chamber had had a committee of arbitration, but it was mainly through the exertions of Mr. Elliott F. Shepherd that the principle of arbitration had received a large extension for application.

Mr. Enoch L. Fancher said:—

Gentlemen—In entering upon the duties of Arbitrator of the Chamber of Commerce of the State of New York I cannot refrain from expressing the high sense which I entertain of the responsibility and usefulness of the office, and I feel called upon, at the same time, to return to the President and other officers, and many distinguished members of the Chamber, my sincere thanks for the kindness and heartiness with which they have encouraged my acceptance of the position. Not only the members of the Chamber, but the merchants and men of commercial pursuits in the city of New York, are to be congratulated upon their opportunity to establish a Court of Arbitration, with sufficient powers, such as are conferred by the act of the Legislature lately passed at the instance of the Chamber. Their perception of the necessity for such a law, and their sagacity in securing it, with such ample provisions, are worthy of the reward which would result from the successful operation of the Court. It was remarked by an English historian that among a people who lived in so simple a manner as the early Anglo-Saxons the judicial power was of more consequence than the legislative. It may be said even now that the highest civilization would recede into barbarism if the judicial power were destroyed. It is one of the chief supports of a free State. Liberties are secured not alone by swords or constitutions and laws, but as well by the inestimable right of having civil controversies determined in the local tribunals of the people. Among the causes that contributed to the continual rise of the liberties of England we find nothing that arrests attention more than the judicial system of the nation and their marked regard for the unfolding principles of the common law. The jurisprudence of the kingdom soon became a science rather than an art, though it borrowed little from the writings of philosophers or the institutions of other countries. An ancient English law book would be considered very dry reading by a philosopher; yet such a book sets forth rules and principles by which public and private rights are maintained with more vigor than by the words of a philosopher. The steady attachment of the English nation to their laws and usages, combined with the impartial administration of them through their courts of justice, must be considered as among the chief causes of their greatness. An eminent part of their judicial system was the trial by jury. This was founded on the conviction that the freemen of the vicinage were the best judges of its civil controversies. It is the growth of centuries; as far back as Doomsday Book we find the trace of our common expression of suitors putting themselves upon the country, which means the trial by jury. It has proved to be one of the strongest ramparts which civilization has erected against the overthrow of freedom and self-government. It has also upheld the scales of justice with its supporting arms; but it would be too much to claim that its verdicts were always right and in accordance with reason. Our own system of jurisprudence, it is well known, was derived from England. The jurisdiction and method of proceeding in our courts have their patterns there. It has on this account become a matter of deep interest for me to study the character and practice of the English courts. But our republican institutions, which are moulded by the will and maintained for the benefit of a free people, are more imbued with the spirit of freedom and the principles of justice than are those of England. We have no courts demanding fines to enter. Our courts, it is true, are sufficiently encumbered with forms, but they are free tribunals of the people. The meanest citizen may, without fine or hindrance, implead there the highest and proudest of the land. They are everywhere accessible, and there are no feudal usages to abate their power or limit their influence.

We have retained the right of trial by jury; our modern liberty and civilization could not dispense with it; but it is avowedly fit only in certain cases. It is freely admitted that very many controversies and questions, continually litigated, cannot appropriately be tried, and are not, by the practice of our courts, tried by a jury. The issue is withdrawn from them and sent to a referee for trial whenever the examination of a long account is involved. So, also, the numerous cases of an equitable nature, which are the subject of Chancery cognizance, are not tried before the jury, but by a single judge.

In all commercial communities such cases are of frequent occurrence; so that the jury, as a useful institution in the service of our courts, is not competent to try many of the issues arising in every-day litigation. There are so many detriments and dangers in the process that it is a doubtful question whether the trial of commercial cases before a jury is general attended with advantage. The jury take no notes of testimony. They have to rely on the ephemeral impressions it may make on their minds or upon their imperfect recollections of what the witnesses have sworn to. They are never judges of the law, but must apply to the case, as best they can, such rules of law as are orally stated to them by the judge. Their deliberations are frequently a burlesque on the word, for often heated discussions and violent disputes take the place of deliberation. Corporations, men of wealth, and other suitors have had frequent occasions to deprecate the conduct of juries. In many cases it is found necessary that the judge warn them against the influence of popular feeling or the bias of private predilection. I suppose you have heard of the man who came home to explain his long absence to his wife, by complaining that he had met with eleven most obstinate jurors, who would not be persuaded by his arguments and prevented any verdict being returned. There is a more serious difficulty than the incompetency of jurors that afflicts the commercial community in regard to its litigation. It is the evil of delay. Suits cannot be determined with despatch. The day of controversy has been long past when the trial takes place in our courts. The witnesses, if not dispersed or dead, come to the trial with faded memories. The rights of parties are kept in abeyance. The "law's delay" operates as a denial of justice. There are many controversies which, if they cannot be decided at or near the time of their occurrence, can never be decided at all so as to administer complete justice. No speedy trial can now be had in our high courts, though the question be urgent and the interest important. Thousands may be involved in the result, but the case must pass through the slow stages of proceedings like any case of trivial consequence. The most skilful musician cannot make harmonious melody unless the struck lute-string instantly responds to his touch. The most competent judge cannot utter a decision that shall recompense an injustice unless the redress he decrees speedily follows the commission of the wrong. Efforts have been made to do away with the law's delay in the United States, in England and in other lands. One of the methods proposed is the Court of Arbitration. Lord Brougham and other leading statesmen attempted to introduce the Court of Arbitration in England. They met with opposition chiefly from barristers educated in old precedents, who loved the musty, dilatory and profitable forms of the law courts. In Prussia, Denmark and other States on the Continent such courts have long existed. Wherever they have been tried they have proved most beneficial to the people. The number of cases decided by them has increased year by year, and the interests involved transcend computation. Fifteen years ago it was recorded of these courts "that the statistics of these countries where these peculiar courts exist proved their beneficial results. The number of cases decided, as well as the amount of property upon which they have decided, is surprisingly large. The amount of property at stake, thus taken out of the court of law to the Court of Arbitration, has been enormous. The establishment of courts of arbitration has produced a signal decrease of litigation and diminution of expenses." Such is the testimony to the value of the courts in countries where their utility has been proved. The statutes of New York have made certain provisions intended to sanction and regulate arbitration, and they are sometimes resorted to for the settlement of disputes. But that section of the statute which authorizes either party to revoke the submission at any time before the publication of the award has had the effect to discourage statutory arbitrations; for the party likely to be defeated in the controversy is most generally shrewd enough to judge from the course of the trial or the character of the evidence what the award will probably be, and to avoid it he revokes the submission. No such temptation or opportunity to avoid the decision is held out to parties in the new Arbitration act which the last Legislature granted to the Chamber of Commerce. Under that act when the submission has been made a party cannot render the trial abortive by withdrawing from the submission. He must abide by the award, and suitable provision is made for filing it with the County Clerk and clothing it with the power that belongs to the judgment of a court of record. It may also be enforced by execution, and thus full power and effect are given to all the proceedings of the Arbitration Court. So far as the form of the act is concerned we may with confidence appeal to its well considered provisions as comprising a perspicuous and comprehensive plan for the operation of an efficient Court of Arbitration.

The passage of this law by the Legislature has been a timely act. The day has already arrived when the multitarious affairs and increasing business of the great commercial emporium which the city of New York has become give rise to controversies that overburden our courts. Mercantile interests are peculiarly liable to suffer when the avenues of justice are obstructed. Men engaged in commercial pursuits have frequent occasion to resort to some authoritative tribunal to settle their transactions, and expedition is often requisite to a complete remedy. The merchant, whose goods, *in transitu* or in warehouse, are improperly attached or claimed by another, desires that the claim may be speedily tried. He wants the control of his goods while they are marketable. The shipowner, whose vessel is seized, or the master of which is sued, cannot afford to wait the long process of a lawsuit. He would better buy his peace at the sacrifice of justice. The insured, whose property has been lost by perils of the sea or by fire, cannot endure to have his business suspended for years until it can be determined whether his losses are to be recovered. He desires to resume his trade. The banker in the course of a single day may have his thousands locked up by transactions which a judicial decision alone can set free. He deprecates nothing more than delay. In short, the exigencies of trade in this great city require the establishment and operation of a court of competent authority, where controversies can be tried and determined summarily. Trade demands and receives its sufficient supply of capital, its marvellous facilities of transportation, its inventions for lightening labor; it employs ships and wharfs and warehouses, with all the appliances and improvements. Why should its operations be restricted for want of a forum where its unavoidable disputes can be readily determined? If after due consideration by the Chamber it be thought best, they may perhaps seek from the ensuing Legislature an amendment of the law, so that an appeal will lie directly to the Court of Appeals from any decision of the Arbitration Court where the interests involved exceed some specific amount. This would be, in the opinion of many, a most desirable amendment; for, so soon as it shall be obtained, any suitor in the Arbitration Court may be sure of a final decision by the highest judicial authority of the State in much less time than he could have his case heard in the first instance in one of our superior courts of law. When such a consummation can be achieved what a victory will be won over the discouragements and delays of litigation. Exemption will then be secured from the burdensome expenses and the wearisome waiting which now deplete the purse and exhaust the patience of so many litigants.

The administration of justice by means of a Court of Arbitration will open a new epoch in the history of New York. If such a court shall secure popular favor here, as it has done in other lands, commercial interests will to some extent be relieved from the paralyzing effects that flow from the expensive and tardy proceedings of our established courts. These courts themselves can afford no sufficient relief; for they will be more and more crowded. Cases there must multiply with our ever increasing population and business. It is one of the highest problems of political philosophy to devise methods for the safe and speedy administration of justice. Any method to be effective must command public confidence. The Court of Arbitration is not a novel expedient, but it is one already tried and it is recommended by the approval of those who have witnessed its operation in other countries. We are a progressive people, and the new stages of our advance require that even systems of antiquity should yield room for progress.

One characteristic of American liberty that distinguishes it from the English polity, is that we readily amend our constitution and formulas to adapt them more perfectly to the varying interests of the people. We have demonstrated as a practical reality the union of self-government with an efficient administration of the law, but we are not free from the danger of defeating justice by the growing evil of its delays. Much truth was compressed in a short sentence by a German author when he said, "Liberty is nothing else than justice." If we would secure the blessings of our political inheritance we must guard against the evil of the law's delay. Wrongs should not be suffered to outrun the steps of timely redress. To provide a method for the convenient and speedy trial and decision in such cases the Legislature has authorized the Chamber of Commerce to establish its Arbitration Court. Let us do what we can to make it a tribunal where justice shall be administered with honesty, capability and expedition.

Mr. Erastus Brooks said that the great evil of the times was the law's delay, which practically amounted to a denial of justice. The constitution recently established a Court of Appeals and a Commission of Appeals; and yet, though they have been established for some years, there are hundreds of cases awaiting their decision. He hoped that the Court of Arbitration would not end with the Chamber of Commerce, but that the other departments of business would establish courts of a similar character. If that were the case the gain would be infinite to the State at large. He said all honor to the State Legislature that had passed this law. This Court was somewhat kindred to the Courts of Conciliation in France, in his judgment, where law and equity were joined together. He concluded by recommending to the consideration of the Chamber the constitutional amendments, to be submitted to the people for adoption at the forthcoming election.

Mr. D. M. Stone in his address traced the history of settlements of dispute between men and nations. He said that it was not alone the law's delay that was the evil, but it was the arbitrary decrees and interpretation of law in defiance of the principles of truth and justice. He hoped there would be no amendment of the act so as to take its decisions direct to the Court of Appeals. With all deference to the modesty of Judge Fancher, he believed that all who appealed to him would be satisfied with his decision.

Mr. Elliott F. Shepard explained the operation of the act and its various provisions. He said that it was desirous that the public should know of the inexpensiveness of the proceedings of this Court, which did not allow any costs.

Mr. John F. Henry moved that as the constitutional amendments were to be submitted to the people for approval or disapproval on the 3d of November next, that the Chamber, by its vote, express its approval of these amendments.

The Chairman ruled that as this was a special meeting, it would not be competent to put the question, though he had no doubt the vote would be affirmatory.

Mr. David Dudley Field said that the Chamber had taken a step in the right direction in establishing a Court of Arbitration. It was a step, too, in the direction of the establishment of tribunals of commerce. The other day in Geneva he had an opportunity of seeing this principle of arbitration at work in commercial transactions, and he was glad to see how simple an affair it was. In the highest court of that country there were only four cases for appeal. He did not see why there should not be established in this city Courts of Conciliation, and which, if established, would prevent many persons from going to law. This principle for the settlement of disputes was receiving great favor in England.

Mr. S. B. Chittenden said that this was, in his judgment, the best court in the country. He would rather trust himself or his property in that Court of Arbitration than in any other court in the city or State. As far as his experience was concerned he had never paid lawyers anything except to keep him out of court. He believed that the law as it now stood for the goverance of this Court would be the initiation of a new era in the advancement of justice.

Mr. Luther R. Marsh said that he could not see why barristers should oppose these courts. Every lawyer's office was a court of arbitration, and it was the last resort of the lawyers to go to courts. References were to some extent similar courts. Perhaps one hundred lawyers are sitting every day trying cases that would otherwise burden our courts.

Mr. Joseph Jackson said that he shared with Mr. Chittenden the feelings as to courts; but he felt more satisfied in the fact that the Judge who presided in this Court would act always in accordance with the laws of procedure.

After this address the Chamber adjourned.

THE FREEHOLDERS' FIGHT.

The Contested Election Case Concluded in Jersey City.

The Circuit Court at Jersey City was crowded yesterday by politicians of both parties. Mr. James Roche and Mr. John Garretson, the parties opposed in the trial, represented the democrats and republicans respectively, and it was a contest on the issue of which a great deal depended politically. Mr. Roche was elected a member of the Board of Chosen Freeholders of Hudson county at the latest charter election by a majority of ten, and a certificate was awarded him by the judges. The day after the election the republican wire-pullers, who have the control of the whole machinery of the municipal government, from the public treasury to the ballot box, waxed wroth at their defeat. The judges and clerks of election put their heads together, and from this combination a bright idea scintillated. One of these worthies carried the ballots to his residence and next day "a mistake in the count" was reported. The second count gave Garretson a majority of eight, but the counting out process was so jumbled and hurried that the clerks could not make their own figures correspond. The Board of City Canvassers accepted the second count, ignoring the first altogether, and awarded the seat to Garretson. When the Board of Chosen Freeholders was organized, however, Mr. Garretson was notified to vacate and Mr. Roche took his place. The former then took the case into the courts. The trial occupied the past two days, and it is worthy of note that three prominent political characters figured conspicuously in the conduct of it. One of Mr. Roche's counsel, Mr. Leon Abbett, is the democratic nominee for the State Senate. The other, Mr. Lippincott, received a large vote for the democratic Congressional nomination last week, and Judge Bedle, who presided, is the democratic nominee for Governor. The case was yesterday given to the jury, who rendered a verdict that Mr. Roche was legally in possession of the seat. There was quite a jubilee over the event at the democratic headquarters. The tables are likely to be turned on the manipulators of the ballot box, as complaints were lodged yesterday before the Grand Jury.

THE COURTS.

The sixteen republican inspectors of election indicted for ballot stuffing and other offences against the Election law were yesterday present at the Court of Oyer and Terminer, represented by counsel. The prosecuting counsel and his associate counsel, representing Tammany Hall, were also present; but, on application of the latter, the trial was postponed, it being arranged that the trial of James B. Hunt and Augustus Levy should be proceeded with to-day.

Judge Blatchford will open the civil jury term of the United States Circuit Court on Monday next. Judge Nathaniel Shipman will take up the trial of suits entered upon the calendar, of which there are 442. About 150 of these relate to suits instituted against bankers and brokers to determine the question whether "margins" left with them for the purpose of stock speculations are to be treated as "deposits," under the law, and, therefore, taxed. Various questions affecting the Internal Revenue law will also come up in the course of the term.

The recognizance of Moses Chamberlain, who was indicted for sending a scurrilous postal card through the mails, has been forfeited, Mr. Chamberlain failing to appear in court when called. The recognizance amounts to $15,000. Lewis Bresler and Julius Waterman are on the bond.

Among the suits to be tried during the approaching term of the United States Circuit Court is that of a distinguished Russian lady, Mme. Olga de Maluta Fraloff, against the Hudson River and New York Central Railroad, to recover the sum of $110,000, being the value of a quantity of old family laces of curious workmanship, the property of Mme. Fraloff, which were either lost or stolen from a trunk on the railroad cars while the lady was on her way from Albany to Niagara Falls. The case has been tried once without any definite result, the jury having failed to agree.

Samuel Stricker, who was charged with committing acts of alleged fraudulent bankruptcy, has been held by Commissioner Osborn in $20,000 bail to await the action of the Grand Jury. The particulars of this case have been already reported in the Herald.

The case of Louis Warzburger, who is charged by his assignee in bankruptcy, Philip W. Kopper, with concealing a large portion of his assets from his creditors, is now pending before Commissioner Betts. Defendant had carried on the business of a dealer in lace and ribbons at No. 441 Broadway.

SUPREME COURT—CHAMBERS.

Decisions.

By Judge Barrett.

In the matter of O'Hara.—Report confirmed and order granted.

In the matter of Klein.—Writ dismissed and prisoner remanded.

Janssen vs. Watkins.—Motion granted. Memorandum.

Parker vs. Gano.—Motion granted and defendant required to furnish the bill of particulars within thirty days, or, in default thereof, that they be precluded from giving any evidence of their offset on the trial. Ten dollars costs, to abide the event.

SUPREME COURT—CIRCUIT—PART 3.

Decisions.

By Judge Van Vorst.

Hill vs. The Newickawannick Company.—Findings settled.

Eickhoff vs. The Mayor, &c., of New York.—Judgment for the plaintiff. See opinion.

Dennis vs. Charlick and Another.—Case amendments settled.

SUPREME COURT—SPECIAL TERM.

Decisions.

By Judge Curtis.

Willmont vs. Meserole.—Proposed order and amendments settled.

Benton et al. vs. Wing et al.—Motion granted for the fourth Friday of the October term.

Patterson vs. Stettaner.—Allowance to the plaintiff of $200.

Foote vs. Hatch et al.—Defendants may come in and answer in five days on payment of disbursements on assessment of damages.

Willmont vs. Meserole et al.—Motion denied without prejudice to its renewal.

By Judge Van Vorst.

Porter ex rel., &c., vs. Parmley.—Motion granted. Exceptions to report of referee overruled and report confirmed. Costs of motion and referee's fees to be paid by respondent. No extra allowance.

Mitchell et al. vs. The Vermont Copper and Mining Company.—Order for judgment for plaintiff settled and signed.

By Judge Spier.

King vs. O'Brien, Sheriff, &c.—Motion denied without costs.

Huenermund vs. The Erie Railway Company.—The defendant must have judgment in the demurrer, with costs.

MARINE COURT—CHAMBERS.

Decisions.

By Judge Gross.

Kobbe vs. Samuels.—Motion to vacate attachment granted.

Conyngham vs. Donnellan.—Motion to vacate order of arrest denied, and ordered for trial.

Kahn and Another vs. Rubenstein.—Motion to vacate order of arrest granted.

Falconer vs. Cohen; Cohen vs. Moses; Metcalf vs. Griffith.—Motion to advance causes granted.

Thurber vs. Stewart.—Proceedings dismissed.

Harrison vs. Dolberg.—Motion denied.

Bartlestine vs. Rinaldi.—Motion denied, without costs.

Price vs. Cohen.—Motion to vacate order of arrest denied.

MARINE COURT—PART 1.

What Is a Composition Deed?

Before Judge Alker.

The case of J. Bear et al. vs. Albert R. Harris et al., which was closed yesterday afternoon at a late hour, was one of unusual interest as deciding what is a composition deed. The facts as adduced were that the defendants, in March last, owed the plaintiffs $750. A paper writing was signed at that time, wherein it was provided that plaintiffs would and did sell, assign and set over to one Isaac B. Rosenthal, of Scranton, Pa.—the place where the defendants did business—the indebtedness of the defendants for the sum of twenty-five cents on the dollar. The defendants endeavored to show that the paper writing was a composition deed, and thereby, the plaintiffs having received the twenty-five per cent cash, it discharged the defendants *in toto*. The plaintiffs showed that, after the agreement with Rosenthal was made, he (Rosenthal) backed out of the arrangement, and further showed that at the time plaintiffs signed the said agreement Rosenthal agreed to pay fifty per cent. Plaintiffs' testimony further tended to show that a new contract of settlement was afterward made with defendants to settle for fifty per cent and costs in a former suit of $51 19, which was included in the notes sued on. It also clearly appeared that defendants gave three notes to plaintiffs, amounting to about $240, in addition to twenty-five per cent cash in this settlement, the defendants contending at the trial that the notes were void, as they were given by them and received by plaintiffs in fraud of other creditors. The jury, after being out half an hour, returned a verdict for full amount for plaintiffs. John F. Baker for plaintiffs; Henry P. Hanlon for defendants.

MARINE COURT—PART 2.

Incorporated Companies and Their Drafts.

Before Judge Joachimsen.

Miggen vs. Baker.—This was an action to recover on a note or draft given as a collateral security in the Loaners' Bank in payment of shares in the Connecticut West Shore line. The draft, the amount of which was sought to be recovered in this action, was given in this city in part payment of an instalment for the stock of an incorporated company, incorporated in the State of Connecticut, but which company did its principal business in this city. It was not in the hands of a *bona fide* holder for value. The Court held that, as the statutes of this State prohibited incorporated companies in this State from taking notes in payment of calls for stock payment, this was a case within the prohibition of the statute—that the note was taken in the State by an incorporated company in the State for the payment of a call for stock. Judge Joachimsen dismissed the complaint, which will be referred to the General Term.

Decisions.

By Judge Joachimsen.

Thornby vs. Russell.—Verdict for plaintiff for $100.

Heath vs. Langley.—Judgment for plaintiff, $216 98.

Mulligan vs. McManus.—Judgment for plaintiff, $96 22.

Bird vs. Cary.—Settled.

Shelley vs. Derham.—Judgment for plaintiff, $45 15.

Kahn vs. Kraner.—Judgment for plaintiff, $102 30.

Schaltman vs. Vogel.—Settled.

Chamberlan vs. Raymond.—Judgment for plaintiff, $226 73.

Webster vs. Yerance.—Judgment for plaintiff, $171 35.

Callahan vs. Mayor, &c., of New York.—Decision reserved.

Wiggin vs. Baker.—Nonsuit ordered.

Evarts vs. Peck.—Judgment for plaintiff, $186 70.

Smith vs. Gayton.—Settled.

Stern vs. Briggs.—Verdict for defendant.

Cohen vs. Hickling.—On trial; case on.

COURT OF GENERAL SESSIONS.

A Young Criminal Sent to the Penitentiary.

Before Recorder Hackett.

The first case tried yesterday was a charge of larceny, preferred against a youth named Frank L. Edwards, who was convicted of stealing clothing and musical instruments, on the 8th of June, from the office of Dr. Brandow, a dentist, by whom he was employed. The boy escaped, and was arrested a couple of weeks ago. Assistant District Attorney Rollins informed His Honor that Edwards was a bad youth, and escaped, a short time ago, conviction upon a similar charge. He was sent to the Penitentiary for three years.

The "Panel" Game.

Albert Baker, alias Charles Hayes, alias Meyers, was tried upon a charge of what is termed "constructive grand larceny." The evidence for the prosecution was that the accused and a co-defendant named Gray hired a room from Mrs. Rebecca W. Rouse, in East Twenty-third street, on the 11th of August, and that on the 19th of the same month a disreputable woman induced a man named Annin to accompany her to that house, where he lost $120. Upon an examination it was found that there was a bolt placed on the door of the room as if it were bolted, but in reality it was imbedded in the door. Mrs. Rouse, a respectable lady, was recalled, and said that there was no bolt on any door of the rooms when she let them, ostensibly to the prisoner and his wife. She also swore that on the evening of the 19th the prisoner was in the house at the time Mr. Annin was there, and, in fact, spent a good deal of time round the house in the middle of the day. Mr. Rollins claimed in his address to the jury that the prisoner was guilty of "panel" thieving. The jury rendered a verdict of guilty without leaving their seats.

Mr. Rollins informed the Recorder that he had previously sentenced the prisoner, under the name of Charles Baker, to the State Prison, in 1866, and that he has subsequently been in prison in New Jersey. Sentenced to the State Prison for five years, at hard labor.

Jeremiah Dunn, who on the 1st of October broke into the factory of Wager J. Hall, No. 420 East Sixty-first street and stole $50 worth of soap, pleaded guilty to an attempt to commit the offence.

Gottlieb Eberle pleaded guilty to an attempt at grand larceny, in stealing, on the 4th inst., a pound and a half of vanilla beans, worth $36, the property of Austin M. Slanson.

William Livingston, charged with effecting a burglarious entry into the clothing store of John Wessman, No. 89 Carystie street, on the night of the 10th of September, was found guilty of an attempt to commit that offence.

Michael Dorris pleaded guilty to an attempt at burglary in the third degree, the charge being that on the 19th of September he broke into the premises of James Merrick.

The above named prisoners were each sent to the Penitentiary for two years and six months.

Petit Larcenies.

Michael O'Connor and George Hern were indicted with two other boys for burglariously entering the cigar store of Simon H. Arensberg, No. 49 Whitehall street, and stealing $150 worth of cigars on the 3d of this month. Two boxes of the cigars were found in the possession of the prisoners, which resulted in their conviction of petit larceny.

Mary Gillespie, charged with stealing, on the 5th of September, $28 in money, from David Williams, pleaded guilty to petit larceny.

These prisoners were sent to the Penitentiary for six months.

An Acquittal.

Johanna Parker, who was charged with stealing $45 from Alfred Bohne, a sailor, at a house in Catharine street, on the night of the 5th of this month, was tried and acquitted.

JEFFERSON MARKET POLICE COURT.

More of the Panel Game.

Before Judge Flammer.

Richard Snyder, a resident of Brooklyn, on Tuesday night went with Nettie Stewart to a house in Wooster street. He subsequently missed $114 which he had in his pocket. Mr. Snyder went to the Eighth precinct station house and made known his loss. Officer Terwilliger arrested Thomas Higgins, and Captain Williams Nettie Stewart. Higgins had been seen prowling in the neighborhood at the time of the robbery. Officer Terwilliger proceeded to a house in Carmine street, where the twain occupy apartments, and found $49, which Snyder identified as his. The premises in Wooster street were examined yesterday by Captain Williams, and he found there a peculiarly arranged bolt which could be unfastened from the outside. The prisoners were remanded to the station house.

Sneak Thief Caught.

A man named Patrick Madden was detected Wednesday night in the act of stealing fifty dollars' worth of jewelry from the room of Eugene B. Overton, at No. 60 East Tenth street. Patrick Walsh, who rooms in the same building, seized the intruder and had him arrested. He was held in $500 to answer.

FIFTY-SEVENTH STREET POLICE COURT.

Alleged Burglars.

Before Judge Otterbourg.

John Burns, alias "Piper" Burns, and John Clancy, were arraigned on a charge of burglary preferred against them by Mrs. Mary Falkenberg, of East Twenty-second street, in the hallway of whose residence they were found, as alleged, at four o'clock yesterday morning. They attempted to prove the house to be a disorderly one, and that they had gone there on the invitation of a woman unknown to them. Their defence was not accepted by the Court, and they were held for trial in default of $1,000 bail each.

Firing a Pistol.

Jacob Werner, a bartender at No. 756 Ninth avenue, charged that William Reilly, of No. 359 West Fifty-second street, had fired a revolver at him on Tuesday morning last, with the intention of taking his life. The ball would very probably have struck Werner had not a bystander thrown up his hand as the weapon was discharged. The defendant claimed that the weapon had gone off accidentally and that he did not intend to shoot at the complainant. The whole affair was the result of a drunken spree. The defendant was held for further examination.

COURT CALENDARS—THIS DAY.

Supreme Court—Chambers—Held by Judge Barrett.—Nos. 257, 258, 56, 108, 154, 160, 224, 270.

Supreme Court—General Term—Held by Judges Davis, Daniels and Lawrence.—Nos. 160, 38, 99, 134, 32, 37, 198, 199, 200, 203, 204, 205, 50, 51, 52, 164, 206, 207, 23, 90, 92, 149, 150, 151, 165.

Supreme Court—Circuit—Part 1.—Adjourned until Monday, October 19. Part 2—Held by Judge Van Brunt.—Short causes.—Nos. 3404, 4098, 3928, 3980, 3932, 3704, 3266, 4102, 4034, 4048, 4108, 3070, 3588, 3888, 3962, 3978, 4090. Part 3—Held by Judge Donohue.—Short causes.—Nos. 1183, 2019, 4035, 3663, 3859, 3657, 3945, 3661, 3665, 4057, 4051, 4167, 3817, 4033, 4189.

Superior Court—Trial Term—Part 1—Held by Judge Monell.—Court opens at ten A. M.—Short causes.—Nos. 1293, 1272, 1279, 1359, 1339, 1376, 1372, 1317, 1361, 1287, 1373, 1134, 1202, 1283, 1352, 1406, 859, 1393, 1143, 1069, 938, 1001, 1220, 932, 926, 1219, 1188, 1308. Part 2—Adjourned until Monday.

Common Pleas—Equity Term—Held by Judge Larremore.—Nos. 6, 11, 26, 36, 60, 27, 39, 51, 52, 53, 54, 55, 44, 45, 38.

Common Pleas—Trial Term—Part 1—Held by Judge Loew—Case on.—No. 1773. Part 2—Held by Judge Daly.—Nos. 1154, 1145, 1209, 1918, 1168, 1176, 2137, 1919, 344, 1167, 1226, 1227, 1228, 1229, 1230.

Marine Court—Trial Term—Part 1—Held by Judge Alker.—Nos. 881, 1021, 625, 327, 414, 123, 5827, 1250, 20, 10, 131, 133, 157, 230, 353. Part 2—Held by Judge Joachimsen.—Nos. 278, 968, 1104, 1173½, 286, 311. Part 3—Held by Judge Spaulding.—Nos. 1150, 479, 340, 1311, 606, 108.

Court of General Sessions—Held by Recorder Hackett.—The People vs. Thomas Bryson, manslaughter; Same vs. Henry Lang, felonious assault and battery; Same vs. James Devine, burglary; Same vs. John Cairnes, burglary; Same vs. Jacob Smith, grand larceny; Same vs. Robert P. Willett, grand larceny; Same vs. William W. Smith, grand larceny; Same vs. Thomas Burke, grand larceny; Same vs. Thomas Donovan, grand larceny; Same vs. Joseph McNally, grand larceny; Same vs. Susan Douglas, grand larceny; Same vs. Herman Winters, grand larceny; Same vs. Anne Robinson, grand larceny; Same vs. James Tracey, grand larceny; Same vs. Alfred Jones, false pretences; Same vs. Henry J. Saulsbury, forgery.

Oyer and Terminer.—The People vs. Charles J. Sheeley, robbery; Same vs. John McCabe, violation of the Election laws; Same vs. Martin Nachtman, violation of the Excise law; Same vs. William Hughes, violation of the laws regulating sailors' boarding houses.

BROOKLYN COURTS.

CITY COURT.

Contracts Between Husband and Wife—Is a Wife Responsible for Her Husband's Debts?

Before Judge McCue.

The case of Bradley & Currier, sash, door and blindmakers at No. 54 Dey street, New York, vs. Margaret Jane Reynolds, a married woman, living at No. 676 Madison street, Brooklyn, came on for trial before Judge McCue in the City Court of Brooklyn yesterday. Mr. O. F. Browning appeared for the plaintiffs, and was not ready. Counsellor Keady appeared for Mrs. Reynolds, answered "Ready" and insisted on a trial or a dismissal of the complaint. This is a suit against a married woman who, Mr. Keady claimed, was no more responsible for her husband's debts than the man in the moon. Judge McCue gave plaintiffs' counsel till one o'clock to get ready. The facts are these:—In June, 1873, Mrs. Reynolds made a written contract with her husband to build her a house on her own lot, stipulating when each payment should be made. Mr. Reynolds built the house and got paid every cent due from his wife, to whom he gave receipts for all. He purchased sashes, doors and blinds from the plaintiffs, with whom he had been dealing on his own account for seven or eight years, used a portion of them on his wife's house and the balance on houses owned by other customers. His wife knew nothing of this, and he did not tell her. Mr. Reynolds owed the plaintiffs $195 and admitted it, but his wife owed nothing. Mr. Reynolds is her second husband and she carried on business in Brooklyn for several years in her own name and thus accumulated the property. When the jury was empanelled, at one o'clock, Mr. Keady arose and said that while Mrs. Reynolds owed the plaintiffs nothing her husband did owe the amount claimed, and made an offer of settlement on his own behalf. This offer had been accepted, and thus there was nothing for the jury to try. Judge McCue remarked that he thought the millennium was coming, so many cases had been settled this term.

Railroad Companies Not Responsible for the Lives of Their Employees.

Before Judge Neilson.

On the 23d of February, 1874, a boy named John Kelly, in the employ of the Brooklyn City Railroad Company, was run over and killed by a car which ran off the track on Fulton street. It was the duty of the boy, it appears, to hitch his horse on the left side of the cars going up the street from the ferry—this track was next the down track. He jumped off, and was crushed by the passing car. Owen Kelly, administrator, brought suit against the company in the City Court to recover damages in the sum of $5,000 for the loss of his son. Mr. Britton, ex-District Attorney, counsel for the railroad company, moved to dismiss the complaint after the jury had been empanelled, on the ground that the company was not responsible even if the complaint were true. The deceased had taken the employment with all its attendant dangers and risks, and therefore the complaint should be dismissed. Ex-Governor Lowe, who appeared for the complainant, argued against the motion, but the Court granted the motion for a nonsuit.

COURT CALENDARS—THIS DAY.

Circuit Court.—Nos. 33, 45, 50, 51, 127, 70, 143, 145, 154, 82, 107, 137, 147, 159, 160, 23, 57, 69, 131, 44.

City Court.—Nos. 23, 109, 125, 94, 190, 196, 182, 53, 55, 56, 61, 33, 54, 58, 68, 61, 75, 80, 83, 88, 91, 93, 95, 104, 105, 117, 129, 134, 111, 125.

County Court.—Nos. 38, 48, 16, 27, 50, 59, 46.

END OF THE MOSQUITO WAR.

King Frost Finishes the Varmin—A List of Remedies Worth Preserving.

Suffering humanity having found a voice in the Herald as to the ravages of the mosquito and the pain of its sting, a large number of communications have been sent for publication, in all of which the misery and discomfort occasioned by this insect's mauraudings are described, apparently from a very vivid experience. The advent of the frosty weather furnishes the most effective relief from these pests of the bedroom, but inasmuch as in these communications to the Herald are several remedies we publish them now, so that the particulars of these recipes may be treasured up for the next mosquito season.

An Easy Remedy.

Having seen the earnest appeal of "A Lady" for protection for her baby and self, and wishing to "earn" her blessing, as I get very few, I would respectfully inform her if she will procure some insect powder and put a tablespoonful of it in a saucer or dish and set fire to it and let the smoke fill the room she will get rid of her pests, the mosquitoes, and her visitors will not be alarmed when they see that "poor darling angel" that it has got any of the diseases referred to in this morning's Herald. I and also several of my friends have tried this and found it to work like a charm, and it is not disagreeable either.

A Venetian Remedy.

When I lived in Venice and was disturbed by the mosquitoes I used special cones prepared by the druggists. These cones are made of a paste burning by itself when ignited, and give a smoke like a perfume. When people use them, just the time required to get undressed before going to bed, they may be sure that not a mosquito, even if they were by thousands, would molest them during the night, stopping entirely the disagreeable noise. As I could not sleep comfortably here and in the country I sent to Venice for a box of these cones and a package of the powder with which they are prepared, and I am using now indifferently the cones or the powder for the seven years that I reside in this country. What I suggest to the lady in Harlem for the "poor little pimpled babe" is to write to somebody in Venice and she will obtain the wonderful remedy. And the same thing I suggest to the people looking for an agreeable and comfortable sleep in the summer time.

A Portuguese Remedy.

Ten years ago I was trading with the Portuguese and negroes of Delagoa Bay, on the southeast coast of Africa, the most notorious place for fever and ague, as well as for mosquitoes, on the African Continent. Throughout the day, but especially from sunset till sunrise, the mosquitoes dance there through the sultry, humid atmosphere literally in dense clouds, rendering sleep or even a moment's rest utterly impossible for unacclimated man and beast, so that our trading party would have been compelled to leave the horrid country had not an old friendly Portuguese taught us how to protect ourselves against the bloodthirsty insects by giving us the following simple receipt:—Make a decoction of quassia by boiling a handful of quassia wood (also known as quassia chips) in a quart of water for about half an hour. Allow it to cool, and then bathe your face and hands with it, or any other part of the body which you may desire to protect against the attacks of the mosquitoes. It is of terribly bitter taste, but harmless to the most delicate skin if washed off occasionally with fresh water, and no mosquitoes will alight on the parts to which the decoction has been freely applied. We tried the remedy and found it to act like a charm, and I defy the combined forces of all the mosquitoes of Long Island, Westchester county and New Jersey, or any other mosquitoes, to attack me if I will go to the slight trouble of using the above decoction. The "stuff" is obtainable in every drug store, and quite inexpensive.

Drunken Mosquitoes.

To the Editor of the Herald:—

I don't know how it is, but my landlady has taken my mosquito net, and the result is "I am not happy!" Last night, in order to sleep, I placed a piece of raw beefsteak on a plate at the head of my bed, steeped in some old rye whiskey. This was by the advice of Mr. Bergh—who, mayhaps knows the effects of whiskey himself. After the light was blown out a swarm of those backbiting bill posters made an advance movement. One of them caressed me sweetly on the nose; he sent in his bill—there was a slap, a diluted damn, and a dead mosquito! (Don't tell Bergh that.) Soon I heard a tremendous buzzing about the whiskey-soaked beef. The entire mosquito family came singing in, and such an opera, but they did not sting me! I went to sleep, to be awakened shortly after by the worst mosquito concert ever mortal, devil, angel, divine, Dutchman, or any other man ever listened to. I raised a light, and then the trouble began. Every mosquito was as drunk as a blind fiddler. Some were playing circus on the plate. One big fellow was dancing Juba on the Bible, while a fat friend of his lay on her back beating the "Devil's Dream" on an invisible tambourine with one hind leg; another was tying the legs of my pants in a bow-knot, to hang around the neck of Anna Dickinson, whose picture was hanging against the washstand, while another red-stomached customer was trying to stand on his head in the wash-bowl. All over the room were drunken mosquitoes! Still another was limping across the window sill, in search of fresh air, to the agonizing tune of "tramp, tramp, tramp!" One "mutual friend" took a bath in the ink bottle, and his account of himself was most graphic, while another died as he was sitting on the rough and rugged cup of despair, trying to chant "Mother, I have come home to die!" About 2,000 mosquitoes lay dead on the floor, but sadness seemed not to break in upon their hilarious rioting upon blood and whiskey!

SMART-FELLOW.

A Handy Remedy for the Scourge.

To the Editor of the Herald:—

I have a novel remedy that I will guarantee will "lay out" more mosquitoes than any other remedy. Take a small box, say a blacking box, affix it to the end of a broom handle and fill it with benzine. Just before you retire circumnavigate the room, and wherever you see a mosquito if you hold the box within two feet of him I'll guarantee his instant destruction.—Yours truly,

BARKALINGO.

CORONERS' CASES.

Coroner Kessler was called at No. 121 West Thirty-second street to hold an inquest on the body of John R. Duncan, a commission agent, forty-five years of age, who died from fracture of the skull and other injuries, received by accidentally falling down a flight of stairs at the above number. The deceased was a native of Scotland.

Mary Davis, a child three years of age, whose parents live at No. 417 West Twenty-seventh street, while running across the floor fell and struck her head with so much force that she afterwards died from the effects of the injuries. Coroner Kessler was notified.

THE GLENDENNING TRIAL.

The Pistol Scene in the Back Parlor.

Continuation of Mr. Miller's Story—The Loves of "Glen" and "Mary"—"If We Are Found Out I Am a Ruined Man"—The Tactics of the Defence Censured.

The trial of the Rev. John S. Glendenning was resumed at half-past one o'clock yesterday afternoon, before the Jersey City Presbytery, in the Second Presbyterian church.

Mr. J. S. Miller resumed the witness stand and testified:—Miss Pomeroy showed me her present (the engagement ring), and I said, "Why this means business;" she answered, "Yes, he does mean business."

Counsel for the defence objected and the Moderator sustained the objection.

Dr. Imbrie appealed from the decision. He said that if such a ruling should stand and the line of testimony now being offered be regarded as merely hearsay evidence and inadmissible as direct testimony the prosecution might as well stop. Miss Pomeroy was dead, and the only testimony they could adduce would be her reported conversations. They had already decided by a solemn vote that they were not to be governed by the rules of a civil court. Yet he found that objections against a certain class of evidence were constantly springing up. They were sitting as a body to get at the truth, and they ought not to be hampered by technicalities and frivolous objections.

The Moderator's decision was sustained. Dr. Imbrie then asked the Moderator what constituted testimony in the case, as there was no use in proceeding further if all the testimony which the prosecution held to be relevant and of vital importance were to be ruled out. The Moderator replied that the Court would refuse to accept Miss Pomeroy's affidavits as testimony, but would admit them as information.

Rev. Mr. Edwards said that the Moderator assumed too much in making that sweeping declaration in public. He had not the right to declare what constituted testimony. The Presbytery alone had the right, and they were fully competent to control the matter.

After a debate, which at one time promised to continue the whole afternoon, counsel for the defence withdrew their objections, and Mr. Miller resumed.

Miss Pomeroy said to me, "He means business, and he intends to see you in a few days;" I was examining the ring at the time; there was some inscription inside the ring, but I don't know what it was; it was either in Latin or French; I have not the ring now; she said she gave it back to Mr. Glendenning for the purpose of getting something on it, or words to that effect; three or four weeks after she showed me the ring; she said that Mr. Glendenning was very desirous to see me; I inferred it was in reference to the proposed marriage between them; they would sit together for a long time in the back parlor with the folding doors closed while we would be in the other parlor; he would address her in my hearing as "Mary," she called him "Glen;" I first became cognizant of the fact that she was pregnant on the Monday evening before Glendenning's arrest; I consulted my lawyer and he advised me to go and see Mr. Glendenning and that perhaps he would come like a man and marry her, but that in case he refused we had better be prepared; we had him first arrested on the charge of bastardy to prevent his going away; when the officer arrested him he took him to my house; my wife was talking to him in the parlor; I asked Miss Pomeroy in his presence whose child that was and she replied, "Glen, I have deceived you—it is yours;" he replied, "Mary, you wouldn't say so if it were not for the present surroundings," or words to that effect; Mr. Northrup was in my house and he said to Mr. Glendenning that he was sorry to see him in such a situation; Glendenning replied, "Keep your sympathies to yourself, for you will need them more than I will before we get out of this thing;" Miss Pomeroy told me that when he attempted the seduction she refused, and he said it was all right, that they would soon be man and wife, as soon as he had all his arrangements made; on the night of the arrest Mr. Glendenning said that he had documents to prove his innocence; I asked Miss Pomeroy what these documents were, and she said that she had signed a paper to shield him from blame, but she did not know what the paper contained; he came to her one evening and handed her a paper telling her to write as he dictated; after writing some lines she refused to write any more saying that it was not true; he told her she must write; when she had finished he told her to sign it and she refused; he said, "Mary, look at the position I am placed in; there are my mother and sister, and if we are found out I am a ruined man, I will be brought before the Presbytery and Synod;" she still refused and he drew a pistol from his pocket, held it over her head and compelled her to sign it; she told me that she could not remember what that paper contained, she was so excited and confused at the time.

Counsel for the defence asked for a recess to enable them to have a copy of the testimony of this witness, as they intended to object to a great part of it. This proposition led to a long debate. Dr. Imbrie said that Brother Glendenning asked this Presbytery to investigate certain charges against him. How can the investigation take place if he persists in objecting to the testimony against him at every stage of the case? He was now under a cloud, and if this testimony were to be excluded there would be an end to the case and Mr. Glendenning would remain under the cloud till his dying day.

Rev. Mr. Mesereau said that if the accused brother would not admit the solemn, dying statement and the affidavits of the dead girl then, no matter what course the Presbytery might take, that man would be morally dead as long as he lives. [Here there was a murmur of applause. Glendenning shocked the feelings of those around him by a laugh which sounded through the whole room.]

Rev. Mr. Booth said that the glory of God and the honor of the Church demanded that the Presbytery should probe the case to the bottom. He regretted, for the sake of Mr. Glendenning himself, that he should go forth to the world with this case undecided or decided on insufficient grounds, for no Church in the country would look at him. If the civil courts had dealt with the case Mr. Glendenning would have to father the child or otherwise. If the Presbytery were to take shelter under the technicalities which debarred the case from the civil courts then Mr. Glendenning would stand at the close of this case as he did at the beginning.

Rev. Mr. Eddy said he felt compelled to declare that every word of the special pleading on the part of counsel for the defence fell like a hammer on the head of Mr. Glendenning. Here the Rev. Mr. Harkness jumped to his feet and called Mr. Eddy to order. He became so excited that the brethren burst into laughter, at which he fairly boiled with indignation.

Dr. Imbrie hoped for Mr. Glendenning's sake that the defence would not persist in their course of objections, for a judgment arrived at in the absence of the very testimony on which the case is actually based would be set aside by the verdict of the community. Mr. Glendenning would go forth under a darker cloud than before and stand condemned before the public.

Glendenning here interrupted him by saying, "Condemned on what?"

Rev. Mr. Dodd said that if the recess he asked for till next day were not granted, to give him an opportunity of consulting some prominent legal gentlemen regarding the admissibility or exclusion of a certain class of testimony, he should say firmly he would retire from the conduct of the defence. A motion was then offered and adopted that a recess be taken till half-past one o'clock this afternoon. More than half the time of the session was frittered away in objections and debates which led to no practical result. Counsel for the defence interposed their technicalities just as Glendenning's counsel did when the case was taken before Justice Aldridge. The cross-examination of Mr. J. S. Miller will take place to-day.

THE BROOKLYN SCANDAL.

Mr. Beecher Serves an Affidavit of Merits in the Tilton Suit.

Yesterday an affidavit of merits, in the action brought by Theodore Tilton against Rev. Henry Ward Beecher was filed in the office of the Clerk of the City Court of Brooklyn, and a copy of the same was served on Judge Morris, counsel for the plaintiff. The subjoined is a copy of the document.

The City Court of Brooklyn.—Theodore Tilton, plaintiff, against Henry Ward Beecher, defendant—Affidavit of Merits.

State of New York, County of Kings, ss.—Henry Ward Beecher, the defendant in the above entitled action, being duly sworn, doth depose and say that he has fully and fairly stated the case in the above action to Thomas G. Shearman, Esq., his counsel in this action, who resides at No. 51 Hicks street, in the city of Brooklyn, and that he has a good and substantial defence upon the merits thereof, as he is advised by his said counsel, after such statement made as aforesaid and verily believes it to be true.

HENRY WARD BEECHER.

Sworn to before me this 10th day of October, 1874—C. W. Bedell, Notary Public, Kings county.

The foregoing affidavit was indorsed as follows:—

Shearman & Sterling, Defendant's Attorneys, 29 Nassau street, New York.

Gents—Take notice that the within is a copy of an affidavit of merits this day duly filed in the office of the Clerk of the City Court of Brooklyn. Yours, &c.,

SHEARMAN & STERLING, Defendant's Attorneys.

New York, Oct. 15, 1874.

To Morris & Pearsall, Esqs., Plaintiff's Attorneys.