THE COURTS.

The York Street Flax Spinning Company of Belfast in Court.

John Foley's Suit Against Ex-Chamberlain Palmer.

Proceedings in the Oyer and Terminer and General Sessions.

James and Joseph Graves were yesterday held in $1,000 bail each for examination by Commissioner Betts on a charge of having tried to prevent Michael Reynolds, of the Third Assembly district, from voting at the last election.

Charles W. Holgate, who had been charged with perjury in making false returns of his assets, was yesterday discharged by Commissioner Betts.

In the case of Walsh vs. Jones, in which the plaintiff claimed damages for injuries inflicted on him by the falling of a quantity of snow from defendant's roof, dislocating his shoulder, and which was yesterday submitted, the jury failed to agree.

A number of suits are pending against the city by commissioners for widening streets. A test case, in which Thomas W. Pittman was plaintiff, was argued yesterday in the Supreme Court, Chambers. Judge Lawrence took the papers and reserved his opinion.

IMPORTANT CUSTOM HOUSE SUIT.

Yesterday in the United States District Court, before Judge Blatchford, the case of the United States vs. the York Street Flax Spinning Company, of Belfast, came up for hearing on motion of Mr. Owen, counsel for defendants, to send a commission to Belfast, Ireland, to take the testimony of certain witnesses. The defendants are manufacturers of linen goods, and it is alleged by the government that they exported to this country from January, 1873, to November, 1873, eight shipments of goods, which were entered at the Custom House at an undervaluation. The amount demanded by the government from the defendants is $50,000 in gold. Mr. Owen, in support of his motion, read the affidavit of Mr. Robert S. Sinclair, the agent of the defendants in this city, to the effect that he wanted the testimony of certain witnesses who resided in Belfast; that he had been in Belfast during the summer, but had been obliged to leave without getting the names of all the witnesses whom it was desirable to examine on the part of the defence; and that it was absolutely necessary to have their testimony, as it would not be safe to go to trial without it. It would be necessary to send to Belfast to have the testimony of those witnesses taken in regard to the market prices of the goods, the custom of the trade, the manufacturer's prices and the shipment of the goods. A cable telegram had been received that morning, stating that the names of the witnesses had been forwarded. Counsel said he had not received any notice that the case would be pressed on for trial this term. There was a good defence upon the merits, and the application for the commission was made in good faith and not for the purpose of delay. Mr. Owen also read an affidavit made by himself, to the effect that during the spring and summer he had been preparing the case as fully as he could from the facts in his possession; but he had been unable to complete it, inasmuch as many of the material facts were not within his knowledge. He asked that the commission do issue to the Vice Consul, as he proposed to examine the Consul at Belfast as a witness. The District Attorney read an affidavit from a special agent of the Treasury in reference to certain alleged admissions made to him by the agents of the defendants in this city as to the cost of the goods and the prices at which they sold them. Counsel contended that the defendants had not shown sufficient diligence in showing what witnesses were in Belfast to prove the price of the goods. Judge Blatchford said if this was a question of the market value of goods at the time of the invoice such value could be proved by a witness here quite as well as at Belfast; but if it was a question how the goods had been purchased and what was the price paid by the purchaser, that, of course, could be better proved on the other side. Mr. Owen admitted that market value could be proved here, but the defendants were a manufacturing company. Some of these goods they bought in the interior of the country, at Ballymena, and these had to go through the process of bleaching. This, of course, had to be added to the value. Some of the goods were manufactured by the defendants and some were not. Judge Blatchford said the defendants ought to have known long ago what testimony they required. After some further discussion the District Attorney agreed to give Mr. Owen a certain stipulation in regard to the case, which was adjourned till Monday next for the introduction of any further affidavit that Mr. Owen may desire to offer.

GOVERNOR LYON, OF IDAHO.

Yesterday, in the United States District Court, before Judge Blatchford, the case of the United States vs. William Gibson came up on motion for postponement. Mr. Gibson was surety on the bond of Mr. Caleb Lyon, who was appointed by President Lincoln Governor of Idaho in the year 1864. The penalty of the bond was $50,000. At the expiration of his term, Mr. Lyon, on returning to Washington, claimed that the balance of money, $46,000, in his possession, and due the government, was stolen from him. The government claimed this deficiency. Mr. Lyon alleged that the $46,000 had been stolen from his person while he was on his journey between New York and Washington. Failing to pay the money himself, this suit is brought against the surety. This was a motion to postpone the trial, with the expectation that Congress, in the coming session, would grant some relief to Mr. Lyon. It was stated that Mr. Lyman Tremain, of counsel for the defendant, was expected to bring in a bill in Congress for the relief of Mr. Lyon. The District Attorney said he could hardly believe that counsel on the other side thought Mr. Tremain, being counsel in the case, would do anything of the kind. The motion was denied. Ethan Allen for the motion; the District Attorney opposed.

BANKRUPTCY.

In the United States District Court yesterday Judge Blatchford rendered a decision in the matter of Edward Hagan, a bankrupt. Charles D. Hagan and others filed claims against the estate. Some of the claimants were children, and their claims were verified by their mother, Margaret V. Hagan. The proceedings took place before Register Williams, and in these proceedings the assignee alleged that the verification was insufficient. The question was referred to the Judge on the sufficiency of the verification, and he has decided that as the mother is, as trustee for the children, the claimant against the bankrupt's estate, her verification of the claim as such trustee is sufficient.

INSPECTOR OF ELECTION ON TRIAL.

Michael Foley, who was republican inspector in the Sixth Election district of the Second Assembly district during the election of 1873, was next placed on trial for alleged altering a ballot. A witness named William Knight, who was a liberal republican watcher, testified that he saw defendant take a ballot on which the name "William Walsh, for County Clerk," was pasted over the name of the republican candidate, Jacob M. Patterson, Jr., and tear off the slip, thus altering it from a democratic to a republican vote. The trial will be resumed this morning.

BUSINESS IN THE OTHER COURTS.

SUPREME COURT—SPECIAL TERM.

John Foley Against Ex-Chamberlain Palmer.

Before Judge Van Brunt.

There was a lengthy argument in this Court yesterday in the action brought by Mr. John Foley against ex-Chamberlain Palmer, Comptroller Green, the Mayor and the Broadway and Tenth National banks, to come up on the demurrer of the Chamberlain and the banks, Mr. A. R. Dyett appearing for Mr. Foley and Mr. H. Field for the defendants. This action was commenced in January, 1873, and on it, as will be remembered, an injunction was sustained by Judge Barrett prohibiting the Chamberlain and the banks from using or paying out any interest on the deposits of the city and county moneys, except on warrants of the Mayor, countersigned by the Comptroller, the banks and the Chamberlain claiming that the city was not entitled as of right to the interest, but that it was paid, whenever paid, by the banks to the Chamberlain as an act of generosity on his part, and that he had a right as he did to keep the interest in a separate account to his own credit instead of crediting it to the account of the city. The plaintiff claims, under the "Taxpayers' Act" of 1872, that he has the same right to maintain this action as the city had, and that the banks were legally liable to pay interest on deposits of city and county moneys under the express agreement made by them in 1867 with the then Chamberlain, and that that interest was an incident to the principal and belongs and should be credited to the accounts of the city and county and not kept in a separate account, and that the Chamberlain, a public officer, could not be permitted to make a personal profit out of the moneys of the city. Judge Van Brunt, at the close of the argument, took the papers, reserving his decision.

SUPREME COURT—CHAMBERS.

Decisions.

By Judge Lawrence.

Globe Mutual Life Insurance Company vs. Fowler.—Motion denied. Memorandum.
Smith vs. Cars.—Memorandum.

By Judge Donohue.

Gilchrist vs. Carrington.—Granted.
Achesm vs. Achesm.—Allowance granted.
Matter of Isaac L. Kip.—Order granted.
Elias vs. Elias.—Motion denied.
Lorimer vs. Lorimer.—Motion denied.
Willets vs. Fisher.—Memorandum.
Denckla vs. Golden State Wine Company.—Reference ordered.
Matter of Wilzinskie.—Motion granted.
Equitable Life Assurance Company vs. Hawkes.—Judgment granted.
Becker vs. Liswell.—Memorandum.
Weber vs. Weber.—Memorandum.
World Mutual Life Insurance Company vs. Cohen.—Motion denied. Memorandum.
Hendricks vs. Ingersoll.—Memorandum.
Ottendorfer vs. Klein.—Order granted.
Disbrow vs. Jacobs.—Motion denied.
Selling vs. Claudio.—Motion denied.
McAlister vs. Cohen.—Memorandum.
Matter of Stevens.—Order granted.
Gedney vs. Sonnelle.—Order granted.
Smith vs. Hazlett.—Motion denied.

UNITED STATES COMMISSIONER'S COURT.

Alleged Fraud Upon the Customs.

Before Commissioner Betts.

Yesterday W. J. Pollock, who is a member of the firm of W. J. Pollock & Co., importers, No. 103 Broadway, and Van Valkenburg were charged before Commissioner Betts, upon an affidavit sworn to by Charles N. Brackett, a special agent of the Treasury, with having conspired on the 4th inst. to commit a fraud upon the government. The alleged fraud appears to have been committed in the following manner:—To Pollock & Co. were consigned, from Bradford, England, by the steamer Oceanic, twenty cases of worsted, and the allegation in the affidavit of Brackett is to the effect that the defendants, after having received a permit for the removal of the goods, substituted for four of the cases in question four cases containing articles liable to an amount of duty lower than that imposed on worsted, or liable to no duty at all. The value of the goods is set down at $2,746 98. The defendants were held in $5,000 each for examination.

COURT OF OYER AND TERMINER.

Two Years for a Life.

Before Judge Barrett.

The trial of Peter Van Twistem, who in August last fired six shots from a revolver at Joseph Crowe, killing him instantly, was concluded yesterday in the Court of Oyer and Terminer, before Judge Barrett. Mr. William F. Howe, the prisoner's counsel, summed up at considerable length. He opened by alluding to the fact that he was defending a young German, who was in the discharge of his legitimate duty, when he was attacked by the deceased, and then feelingly pictured the scene in the Fourth ward barroom, where the homicide occurred. He elaborated at length upon the justifiability of the prisoner's conduct, insisting that he was twice assaulted before he fired the fatal shots, and closing with a touching appeal to the jury. Assistant District Attorney characterized the crime as a cold-blooded murder, and urged that no verdict could be given but one fully sustaining the indictment. The jury were out only some twenty minutes, and brought in a verdict of manslaughter in the fourth degree. A motion for immediate sentence was made, when Mr. Howe strenuously urged that the Court exercise all possible clemency.

In passing sentence Judge Barrett said that the jury, in his judgment, had been too lenient. He had been fairly tried and ably defended and the jury had found him guilty of a crime of less grade than the one for which he was indicted. There was, in his opinion, no necessity for taking life. He could have protected himself without using a pistol; he could have run away or knocked the deceased down. He saw no reason for leniency. He sentenced him to two years in State Prison at hard labor.

COMMON PLEAS—SPECIAL TERM.

Decision.

By Judge Daly.

Semon Gideman et al. vs. Liverpool, New York and Philadelphia Steamship Company.—Case settled.

COURT OF GENERAL SESSIONS.

Assault by Two Italians.

Before Judge Sutherland.

In this Court yesterday two Italian boys, named Felice Mazzoli and Luigi Sforse, charged with stripping the clothing off Mary Reilly, at an entry in Baxter street, on the 1st inst., pleaded guilty to assault and battery. Sentenced to the Penitentiary one year each.

Burglaries and Larcenies.

William White was indicted for breaking into the residence of Herman B. Rover, No. 117 West Twenty-sixth street, on the night of the 31st of October, and stealing $50 worth of property. He pleaded guilty to the third grade of burglary.

Dennis Sullivan, charged with stealing a watch valued at $18 from the person of Simon Abraham, with violence, pleaded guilty to larceny from the person.

White and Sullivan were each sent to the State Prison for five years.

Joseph Burnett, who on the 4th of this month stole a gold watch and chain worth $115, the property of Samuel C. Halpin, pleaded guilty to an attempt at grand larceny.

A similar plea was taken from John Spencer, against whom there was an indictment for stealing a watch valued at $60, owned by Ludwig Foss.

Kate Byrnes pleaded guilty to an attempt at petit larceny from the person, the allegation being that on the night of the 1st of November she stole a pocketbook containing $1 from John Capolas while he was in Water street.

John Hendricks also pleaded guilty to the same grade of crime, he having on the 5th inst. stole a silver watch worth $5 from William Ryan.

These prisoners were each sent to the State Prison for two years and six months.

Annie Reilly pleaded guilty to an attempt at grand larceny. The charge was that on the 7th of this month she stole a pocketbook containing $55.

John Doyle, who, on the 28th of October, broke into the clothing store of Louis Buckman, No. 71 Columbia street, pleaded guilty to an attempt at burglary in the third degree.

These prisoners were each sentenced to the State Prison for two years.

John Keirnan, charged with stealing, on the 28th of October, clothing valued at $40, owned by John Vondohler and Frederick Seeber, pleaded guilty to petit larceny.

James Murphy pleaded guilty to a similar offence, the allegation against him being that, on the 31st of October, he stole a bag of rubber gum worth $50 belonging to Walter S. Sinclair.

Kate Morrissey, who, on the 29th of October, stole a piece of cloth valued at $34, the property of Waller & McSorley, pleaded guilty to petit larceny.

These prisoners were each sent to the Penitentiary for six months.

William Rheinhardt pleaded guilty to an attempt at petit larceny from the person. On the 6th of this month he stole $18 from the person of Daniel Mulledy.

Assault and Battery.

John Griffin, who, on the 3d inst., cut James Driscoll with a small knife, pleaded guilty to assault and battery.

These prisoners were each sent to the Penitentiary for one year.

A plea of assault and battery was taken from Patrick McCarthy, who, on the 1st of November, struck Patrick Conners.

He was sent to the Penitentiary for four months.

An Acquittal.

Peter Hogland, a sailor from Finland, was tried upon a charge of acting in complicity with a man, who escaped, in attempting to rob Hans Isaacksen, a Swedish sailor, on the night of the 5th inst., while they were on their way home to a boarding house in Greenwich street.

The evidence was not strong against the accused, which led the jury to render a verdict of not guilty.

ESSEX MARKET POLICE COURT.

Another East Side Robbery.

Before Judge Wandell.

As Mr. George Gutrie, of No. 87 Columbia street, was walking through Second street on Tuesday night he was approached by a man named John Finlay, who snatched his watch and chain and ran away. Mr. Gutrie pursued the thief for several blocks, and finally succeeded in capturing him. Finlay was handed over to the custody of Officer Scott, of the Eleventh precinct, who brought him before Judge Wandell yesterday. The prisoner was fully committed in $1,000 bail to answer at General Sessions.

A Wide-awake Sergeant.

About ten o'clock on Tuesday night a procession was passing the drug store No. 449 Tenth avenue. The clerk in the store went out on the walk to view it. Sergeant James, of the Essex Market Court squad, was standing a few feet from the drug store and saw two men rush in and attempt to carry away the money drawer. The Sergeant was too quick for them, however, and took them both into custody. On being searched at the station house two picklocks were found on the person of one of the prisoners, named Albert Greene, and on the other, John Mannix, were found two picklocks and a pair of nippers. They were arraigned before Judge Wandell yesterday and Sergeant James preferred a charge of carrying burglars tools against them. Green and Mannix were both committed in $1,000 bail each to answer.

Larceny of a Handcart.

Ludwig Dalk was arraigned, charged with stealing a handcart, valued at $20, from Louis Van Hofem, of Fourteenth street and Fourth avenue. The cart was found in the possession of Dalk, and, on being arrested, he acknowledged his guilt. He was held in $300 bail to answer.

FIFTY-SEVENTH STREET POLICE COURT.

Alleged False Pretences.

Before Judge Otterbourg.

Judson G. Worth, tea merchant, of No. 183 Duane street, charged Philip Midas, a grocer of Sheffield street, East New York, with obtaining $2,600 worth of goods on false pretences. He gave the accused the merchandise on credit because Midas had represented himself as a man of abundant means and good business standing. The accused so far redeemed his promise as to pay the $2,600 with the exception of $800, which still remains unpaid. Midas was held for trial in $1,000 bail.

Burglary.

Frederick Zittel, No. 1,026 Third avenue, charged James C. Keefe with breaking into the unoccupied building No. 155 East Seventy-third street, and stealing therefrom a quantity of lead pipe. Keefe was held for trial.

Pointing a Pistol.

James Coyle was held for trial on complaint of Henry Glenstein, of No. 462 West Fifty-second street, grocer, for pointing at him a pistol and threatening to shoot him. Coyle was a stranger to the complainant and his only provocation was an order from Mr. Glenstein to leave his premises.

COURT CALENDARS—THIS DAY.

SUPREME COURT—CHAMBERS—Held by Judge Donohue.—Nos. 79, 106, 119, 137, 138, 146, 147, 148, 149, 150, 158, 164, 199, 204, 229, 231, 264, 288, 293, 295, 297, 305, 310, 313.

SUPREME COURT—CIRCUIT—Part 2—Held by Judge Brady.—Nos. 2600, 3658, 3610, 161, 160, 1388, 1704, 835, 2558, 2630, 28, 669, 2622, 2746, 1588, 2720, 2722, 370, 2662. Part 3—Held by Judge Van Vorst.—Nos. 2001, 1285, 1911, 3533, 3782, 1181½, 1, 1893, 4105, 1943, 483, 1821, 1137, 1831, 2055, 1961, 1921, 1499, 3603, 2069.

SUPERIOR COURT—TRIAL TERM—Part 2—Held by Judge Curtis.—Nos. 748, 1122, 1410, 756, 554, 770, 772, 972, 784, 786, 788, 790, 702, 794, 796.

COMMON PLEAS—TRIAL TERM—Part 1—Held by Judge Robinson.—Nos. 1711, 1229, 712, 1197, 954, 2236, 2237, 2127, 2070, 2099, 562, 1145, 1218, 1028, 1231.

MARINE COURT—Part 1—Held by Judge Spaulding.—Nos. 114, 237, 1782, 271, 489, 1108, 1096, 1404, 351, 563, 564, 566, 567, 568, 571. Part 2—Held by Judge McAdam.—Nos. 2574, 1385, 74, 539, 191, 1698, 1993, 1695, 1611, 1352, 513, 574, 575, 576, 578. Part 3—Held by Judge Shea.—Nos. 679, 1561, 816, 1195, 1609, 1716, 344, 1729, 1554, 1145, 164, 1626, 1668, 387, 1411.

COURT OF GENERAL SESSIONS—Held by Judge Sutherland.—The People vs. Abraham Jones, felonious assault and battery; Same vs. Nora Burriel, felonious assault and battery; Same vs. Patrick Madden, felonious assault and battery; Same vs. Patrick Malton, felonious assault and battery; Same vs. Amelia Lent and Jordon Butler, felonious assault and battery; Same vs. Julius L. Adams, felonious assault and battery; Same vs. John Donohue, burglary; Same vs. George Dickman, grand larceny; Same vs. Dennis Donohue, grand larceny; Same vs. Symond Miller, grand larceny; Same vs. George Ray, grand larceny; Sames vs. James Kerrigan, grand larceny; Same vs. Charles Greenwood and George Kelly, grand larceny; Same vs. Isabella Johnson, grand larceny; Same vs. Conrad Klein, larceny from the person; Same vs. Timothy Golden, larceny from the person; Same vs. Charles Fusher, abduction; Same vs. William Tucker, concealed weapons.

BROOKLYN COURTS.

SUPREME COURT.

An Episode of the Smallpox Epidemic of 1871.

Before Judge Gilbert.

The suit brought against the Brooklyn Board of Health and against the estate of the late George Cochran, M. D., who in 1871 was President of said Board, and also against the driver of the ambulance wagon, Isaac Van Riper, for $10,000, was concluded yesterday. The plaintiff in the action is Mrs. Mary Jane Remsen, a widow, formerly living at No. 81 Portland avenue. She claimed damages in the above amount for the loss of her son, Richard Remsen, who was at the time of his death twenty years of age. In the winter of the above year the smallpox epidemic raged and Richard was stricken with that disease. He was removed in the ambulance to the Flatbush (L. I.) Hospital by order of the Health Officer, where he died twelve hours after his admission thereto.

The plaintiff alleges that the day upon which he was removed was wet, and the inclement weather, coupled with the jolting over roughly paved thoroughfares, had a tendency to impair the chances of his recovery and to hasten his death. His mother never saw him again after his removal. Pending the trial, which was to have taken place in 1871, Dr. Cochran died, but the action was continued against his executors, and the death of young Remsen was claimed to have been the result of the negligence and unlawful acts of the defendant.

The answer of defendant was that the action complained of was for public safety, and the executors set up for the defence that Dr. Cochran was not personally concerned in his removal. Upon the close of the testimony for plaintiff, Corporation Counsel DeWitt moved for a nonsuit on the ground that the Board of Health was not a corporation and therefore could not be sued; also that the action could not be continued against the executors of the estate of a deceased person.

Judge Gilbert granted the motion for a nonsuit. A default will be taken against Van Riper, the ambulance wagon driver, who failed to put in an appearance.

CITY COURT.

A Verdict for the City.

Before Judge McCue.

An action was brought in the City Court yesterday, before Judge McCue, by W. H. McDonough, to recover from the city of Brooklyn $2,240, which the plaintiff claimed was due him for the execution of ward maps under a contract with the Board of City Works. The defence was that the contract had not been completed. A verdict was rendered for defendant. Johnston and Strauss for plaintiff; Corporation Counsel DeWitt for defendant.

BROOKLYN COURT CALENDARS—THIS DAY.

CITY COURT.—Nos. 80, 60, 228, 35, 121, 10, 19, 140, 62, 78, 123, 151, 118, 124, 229, 231, 232, 233, 234, 235, 13, 32, 37, 38, 42, 46, 52, 53, 63, 227.

COURT OF APPEALS.

ALBANY, N. Y., Nov. 11, 1874.

In the Court of Appeals, November 10:—No. 2.—George S. Wood, plaintiff in error, vs. The People of the State; defendant in error; argument resumed and concluded.

No. 3.—Eliza Van Schuyler, respondent, vs. Charlotte Mulford et al, appellant; argued by J. C. Cochrane for appellant and David Wood for respondent.

No. 6.—Rachael Hoppock et al, appellant, vs. John C. Tucker, jr., et al, respondent; argued by James E. Welch for appellant and John E. Parsons for respondent; still on; adjourned.

The day calendar for Thursday is as follows:—Nos. 8, 11, 12, 15, 16, 18, 31 and 35.

MODEL POLICEMEN.

Commissioner Matsell heard complaints in thirty-two cases of delinquents yesterday afternoon, the great majority of which, however, were of a trivial nature. Theodore F. Naudine, of the Thirty-first precinct, was charged with gross intoxication on the morning of the 7th inst. An officer of the Twentieth precinct found Naudine lying in the gutter and unable to get up from the effects of drink. On removing him to the station house he claimed to be an officer of the Thirty-first precinct. He evidently considered his case a hopeless one, for he did not appear yesterday to put in any defence. He will doubtless be dismissed.

Officer Seaver, of the Eighteenth precinct, can scarcely be called a model policeman. There were yesterday no fewer than three complaints against him, two for being off post and one for sleeping while on duty. He was sent on election day to one of the polling places, and about one o'clock a patrolman happened around and Seaver was enjoying a deep and peaceful sleep. The patrolman reported to the captain and was ordered to relieve the sleeper. He did so, but on getting him around to the station, the sergeant finding he was not intoxicated, as was supposed, ordered him back, first, however, cautioning him against indulging in slumber. About three o'clock the patrolman strolled around to the polls again, and there sat our model officer sound asleep and snoring loudly. Nor was it an easy task to rouse him, the patrolman finding it necessary to hit him violently on the feet and legs, pull his hair and rub his ears smartly before he could be restored to consciousness. At the trial Seaver made a poor defence, stating, in extenuation of his action, that he was fatigued and could not resist the tender wooing of Morpheus. He, too, will probably retire to private life.

"GO AHEAD OR BURST."

Racing Steamers on the East River—Commencement of an Official Investigation—Women and Children Screaming from Fright.

The local Board of United States Steamship Inspectors in this city have wisely come to the conclusion that the time has arrived to investigate the racing contests now taking place on the East River, between competing Harlem lines. A few days ago a race to Albany, between the steamers Sylvan Dell and Shadyside, was under discussion, but, fortunately for the lives of all on board, the contest did not take place. It would appear as if the wild and reckless spirit indulged in by Mississippi captains and their engineers, in the old "flush" times, had taken possession of the East River steamboat men.

Thousands of New Yorkers travel on the Harlem boats at the peril of their lives, not knowing at what moment their enterprising captains may send crew and passengers into eternity by their desperate enterprise to go ahead.

THE OFFICIAL INVESTIGATION.

The local inspectors are Messrs. Jeremiah Simonson and John K. Matthews, who have had lifelong experiences with steamboats. The present investigation is into the causes of collision between the steamers Harlem and Sylvan Glen, which occurred on the 12th of October last.

THE TESTIMONY.

Moses H. Longstreet, master of the steamer Sylvan Glen, being duly sworn, states:—The time of leaving for both boats is four P. M.; the Harlem left her pier a few seconds sooner than the Glen, and when we arrived abreast the abutment of the bridge on New York side the Glen was half a length ahead; the Harlem was heading in towards the docks; I saw that they would not clear the Glen by keeping on the course that they were on; I blew two whistles to them to keep off; the Harlem continued on her course; did not answer the whistles, the boats then came together; the Harlem sheered and the boats came together very easy, guard to guard; there was a tow on the New York side of me, and I could not sheer in to get away from the Harlem; the boats were opposite Catharine street ferry on the first collision; after clearing the tow I sheered in to New York shore, which separated the boats, and ran so nearly to pier 45; when about abreast of pier 36 the Harlem blew two whistles for a tow, which was going up the river and in toward the dock; I saw that there was not room for both boats to pass between the tow and piers; I blew two whistles for the Harlem to keep outside of the tow; I received no answer; the Harlem sheered in shore and the boats came together about 200 feet below pier 45; just previous to their colliding I rang to slow the engine, and seeing that I could not as I thought clear pier 45, I rang to go ahead at full headway; I went till I cleared pier 45; the Harlem had her fenders off, which kept the boat from smashing our wheelhouse; when off the abutment I blew two whistles, and the boats at this time were 200 feet apart; I was about fifty feet away from the docks; the Glen was twenty-five feet ahead of the Harlem when they first came together; the boats came together side and side; the Glen ahead; at the time of the collision we were about fifty feet from the end of the docks; there was inside of us a tow, and there was nothing I could have done to have avoided the collision with the Harlem, unless running over the towboat.

THE SECOND COLLISION.

At the second collision the boats were about neck and neck; we were away about ten feet from the stem of the screw steamer City of Tokio, which was on the dry dock at the time; from the first to the second collision the Harlem blew two whistles for a tow coming down the river, and I blew two whistles for the Harlem to keep off; the boats would not have collided had I stopped and backed when I blew the second two whistles; when the second collision took place I ported my wheel when she struck us; I gave a proper signal, but received no answer; my duty in such cases is to slow my boat and stop her if necessary, and to use my best judgment to avoid a collision; I used the best of my judgment to avoid the collision, leaving the question of right of way out; the Harlem was not ahead of us at any time; I was aware that the Harlem was going to stop at Grand street at the time I blew the two whistles; I don't know that the fenders were put off my boat; it is not customary for them to be put over unless by my order; I gave no orders to that effect, but the Harlem's were down forward of her wheelhouse; I don't know when they were put down; they were not down when I first saw her; I have the Steamboat law and Pilot regulations in the pilothouse; I don't know how much steam we had on when we left the slip; I did not notice if she was blowing off from the government or safety valve; I don't know whether the engineer used any unusual means to make the boat go ahead fast; I never have had any conversation with the engineer about carrying steam; the tide was running strong ebb; in pursuing the course along the docks I avoid the strength of the tide; I am often compelled to go outside to avoid vessels, as well as to keep inside.

Moses H. Longstreet, being recalled, deposed:—The set of the tide on shore between the bridge abutment and Jackson street pier is down stream and off shore; I have control of my boat when running under a slow bell.

Q.—How far will your boat run after the engine is stopped before she loses steerage way?

A.—She will run about 500 feet in the tide she was in at the time; I had no apprehension of a collision with the Harlem when I blew my first two whistles, nor of any danger, as I expected the Harlem to keep off; not receiving any reply to my signals and not seeing her haul off, I had apprehensions of danger then; when I blew my second two whistles I had apprehensions of danger, as the Harlem did not answer my signal or haul off upon either of the occasions; when I blew my first and second whistles I could not have stopped my boat with safety; on the first occasion I would have run into a towboat, and secondly into the projecting bow of the screw steamer City of Tokio.

PASSENGERS' TESTIMONY.

Henry B. Nafie, policeman, passenger on steamer Sylvan Glen, being duly sworn, states:—I was inside, forward of the engine; I saw a boat alongside on east side, through the window; I went forward on forward deck and saw the Harlem; we had it this way till we got to Old Jackson street slip, when the Harlem slowed down to go into Grand street, and the Glen went on about her business; when I went out on deck the Harlem's bow was about up to the forward gangway of the Glen; at that time was about between Roosevelt and James slip ferries; the guards were then within three or four feet of each other; they would come together and separate again all the way up, once they struck; this was near the large sectional dock; that is the only time that they collided, that I noticed; the stem of the Harlem was at no time ahead of the Glen; the Glen was ahead of the Harlem all the way up; the Glen was so close on the docks that she could not get any closer unless she ran on the docks; there was nothing in the river that compelled the Harlem to hug the New York shore so closely; the Harlem could have gone outside of those two tows, as she had plenty of time to sheer off Old Point; when I first saw the first tow she was going down the river, outside the Harlem; the second tow was coming down the river off Jackson street; the Glen was alongside the docks all the way up.

The investigation will be continued on the 13th inst.

BLOODY ASSAULT ON SHIPBOARD.

White Seamen on the Packetship Neptune Attempt to Murder a Negro Boatswain.

The ship Neptune, of the Black Ball line, which left Liverpool, England, October 16, for New York, with a crew of twenty-four men, about half of whom were negroes and the remainder English, Irish and Germans, Captain Spencer, commander of the Neptune, promoted one of the seamen, Stephen A. Smith, to be boatswain. Smith, being a black man and determined upon making his authority felt by his subordinates on deck and in the forecastle, became very unpopular with the white sailors, who threatened vengeance upon the first opportunity that might present itself. On the night of October 30, while Boatswain Smith was asleep in his bunk, some one attempted to murder him by striking him on the head with an axe. He received two severe blows on the side of the head and one on the left wrist, almost severing his hand. Captain Ferry, of the Third precinct police of Brooklyn, hearing of the affair, yesterday sent to New York, where the Neptune is lying at pier 21 East River, and, upon investigation, found that the particulars, as above stated, were correct. He thereupon caused the arrest of the entire crew, and had them conveyed to the Butler street station house, where they are held with the hope of finding out the man who committed the murderous assault. Smith is lying at the Long Island College Hospital, Henry street, in a very precarious condition.

THE MISSING JEWELLER.

There were no new developments yesterday in regard to the disappearance of Mr. Phillip Rein, the jeweller, doing business under the Fifth Avenue Hotel. While Mr. Rein's absence in the present critical juncture of his affairs may be unwise, it is not thought that his flight will be permanent. All day yesterday the Sheriff was in charge of the store and an inventory was being made of the stock. Mr. Rein's liabilities will not exceed $40,000. It will be impossible to give any reliable estimate as to his assets until after the account of stock has been taken. The creditors are favorably disposed, and as soon as Mr. Rein sees fit to put in an appearance it is not at all improbable that some arrangements will be effected whereby he will be enabled to continue business. It is but justice to state that no suspicion of fraudulent proceedings attaches to Mr. Rein.

THE POLITICIANS' MURDER.

Third Day's Proceedings Before Coroner Woltman.

CONFLICTING TESTIMONY.

Censure of the Defendants by Counsel and Coroner.

The proceedings of the third day's session of the inquest in the McKenna homicide were announced to commence at half-past nine yesterday morning. At that time there were not present, and for nearly half-an-hour afterward, two of the defendants in the case, George Hickey and Sheridan. Subsequently they entered the court. This lack of punctuality originated some remarks from counsel, which are given below, and show the anomalous position in which these defendants stand to the Coroner's Court. Mr. John Kelly occupied a seat at the counsels' table during the entire session.

THE PROCEEDINGS.

Colonel Fellows said that he understood that there were four defendants in this case, who were held to await the action of the Coroner. He said that he had endeavored to impress upon the parties, all of whom he represented, the importance of complying strictly with the demands of the Court, but without accomplishing what was required. It seemed to him, therefore, that a rebuke should be administered to these parties by His Honor.

Assistant District Attorney Russell said that the course pursued in this case toward the accused parties was somewhat exceptional; but for that it would not be needful that these defendants should receive a rebuke by the Court for not being present at the commencement of the proceedings of the Court. In all the cases which he had heard of in which defendants had been charged with murder they had been held by the Court, and that it was found needful for counsel to ask that a rebuke be administered to them for not being present was attributable to the way in which the case had been tried.

Colonel Fellows said that the counsel had twice repeated that expression, that these men were charged with murder. He did not know what the counsel's experience might have been; his (Colonel Fellows') had been different. There was no charge before this Court; there certainly was no charge of murder. There were parties held before this Court who were said to be concerned in an offence committed in Second avenue. They were charged with no offence. There was no implication of any offence by which they were held. They were there for the purpose of appearing before the jury, and the jury were to decide whether any offence had been committed; that had to be ascertained, whether there had been any offence or not.

The Coroner said that he stated in opening the case that no one had been charged before him. The testimony was not yet completed, and the present time was not the time to say who were the defendants. It was not his province yet to instruct the jury, and the charge of murder had not yet been made.

Assistant District Attorney Russell said that if he might be permitted a further remark he wished to say that unless he had an entire misapprehension of the testimony, there had been at least a dozen witnesses who had sworn, and whose testimony was here in evidence, which involved certain defendants in the responsibility of the commission of a murder. If they were held here simply as witnesses they had not taken the place of witnesses and retired during the giving of evidence with the other witnesses in the case. It was quite apparent that they are not held in that capacity. They were held upon a charge of the gravest character possible. He did not wish to enter upon any controversy or indulge in any observations that are provocative of discussion. He desired, however, to say that he should be sorry for it to be supposed that these proceedings had originated a supposition that they were a scandal on the administration of justice. It, however, remained, that defendants charged with these crimes, on not presenting themselves in the court, should be rebuked by the Court. If these men had not committed any offence they were not in the court in the character of defendants. He did not wish to renew the suggestion he had previously made, but he would remark that these defendants were charged with crimes of the gravest character, and the responsibility in connection with the defendants rested with the Coroner and not with him.

Colonel Fellows said that he only desired to supplement what he had said by this, that the position taken by the District Attorney was very extraordinary. It is said that these persons were charged with murder because somebody had been shot, and some half dozen persons had said that they had heard somebody say that Richard Croker had done the shooting. This certifying did not make the charge; if it did, it would be better to let the case go to the jury at once.

The Coroner said that he should leave the case to the jury, and not in the hands of the District Attorney or the counsel for the defendants.

The Testimony.

EVIDENCE OF STEPHEN O'BRIEN.

Stephen O'Brien said:—I live at No. 163 East Thirty-third street; I was in Second avenue on the election morning at the Ninth district; met Mr. Croker and Sheridan coming down; they came up to Thirty-fourth street and Second avenue; I passed by and went up Thirty-fourth street to the Tenth district; this was about half-past seven or twenty minutes to eight; I was in Thirty-fourth street a few minutes when I saw a crowd coming around to the Tenth district; I started over to a crowd that was around the telegraph pole; I saw Mr. Croker hit my brother, James, in the mouth; as he stepped back on the street McKenna ran across between them, and the first thing I saw was a pistol in the hands of Mr. Croker, and a man fell; as soon as Mr. McKenna fell Mr. Hickey picked up a pistol, and said, "Get out of the way, you sons of ——;" we all then backed toward Thirty-fourth street; it looked to me that Hickey took the pistol from Croker; it was George Hickey; I saw Sheridan with a pistol in his hand; John Hickey and Henry Hickey both fired away; Hickey told everybody to get away from him; I saw the officer take hold of Mr. Croker.

By the Coroner—I think my brother James said something about a "repeater;" then Croker hit him in the mouth; I was about four feet away; I had a fair view; Croker had his hand in his pocket; he had a pistol in his hand afterward; Croker fired the shot; he fired one shot; it was a short pistol; Croker was standing near Thirty-fourth street when he shot McKenna; McKenna ran in between Croker and O'Brien; McKenna was moving toward them; I saw some weapons at that time in the hands of Hickey and Croker; I cannot say whether Hickey took the pistol from Croker which he fired with or whether Croker dropped it; I know that three shots were fired at me.

By the Jury—I did look for a stone but I could not find one; Croker stood back about six or seven feet when he shot McKenna; I did not see Croker put his hand in his pocket; I saw him with his hand in his pocket; I saw a pistol in his hand afterwards; after he got out of the fight I saw a pistol in his hand.

By Colonel Fellows—McKenna came from the corner on the opposite side of Thirty-fourth street, and not from the polling place; he could not have come from the polling place; there were no words passed between Croker and McKenna.

The witness then described upon the diagram the position of different parties during the fight.

EVIDENCE OF THE DRUGGIST.

Charles Kessler, of No. 623 Second avenue, said:—When I entered my drug store on election morning I found the wounded man sitting in a chair; some one asked him who shot him, but I could not hear what he said; the Captain came in shortly after and also asked him who shot him; he replied, and it sounded to me like Croker, but I did not pay particular attention and could not say positively what he said; he said something which sounded like Croker.

TESTIMONY OF EDWARD DOWNY.

Edward Downy, of No. 339 East Thirty-sixth street, testified that he saw Croker and Borst standing on Thirty-fourth street and Second avenue; O'Brien came up and an altercation took place between them; heard Croker call O'Brien a thief; some shots were fired and McKenna fell; thought that Croker had a pistol in his hand, but would not swear that he had one; assisted McKenna into the drug store and heard him tell Craig and the sergeant of police that Croker had shot him; heard O'Brien call for the police to arrest Croker.

To the Coroner—McKenna was about five feet from Croker when the first shot was fired; about seven shots were fired altogether; did not see pistols in the hands of any one.

To a