THE COURTS.

The Kelly-Havemeyer Suit—Judge Donohue Declines to Hear It.

FRAUDULENT BUILDING SOCIETIES.

SMUGGLING LACES.

Revenue Accusations Against a Young French Lady.

A writ of error and stay of proceedings has been granted on application of counsel, in the case of Michael Murphy, convicted of the murder of Mrs. Matilda Hagus, at Nanuett, Rockland county, in October last. Defendant's counsel, Henry Daily, Jr., having applied in vain to all the judges of the Second Judicial district, made application yesterday before Judge Donohue, who granted the stay. The convicted man was sentenced to be hanged next Friday.

THE KELLY-HAVEMEYER SUIT.

The particulars of the suit brought by John Kelly against Mayor Havemeyer, growing out of the letter published by the latter, animadverting upon both the official and political career of Mr. Kelly, have already been published in full in the HERALD, and, therefore, do not require repetition. Like most suits, this of course has to yield to the "law's delays," and is slow in reaching trial. Meantime, as usual in such cases, the opposing counsel keep up an active fusilade of countermotions in the courts. On behalf of Mr. Kelly notice was given several days since of a motion to strike out certain portions of Mayor Havemeyer's answer as irrelevant and frivolous. The argument for this motion was set down for yesterday in the Supreme Court, Chambers, before Judge Donohue. It was after three o'clock when the case was reached on the calendar, and there was the general expectation of a prolonged argument. Very short work was made of it, however, as will be seen by the ensuing report.

Mr. Wingate, of counsel for Mr. Kelly, as soon as the case was called, rose quickly to his feet, cleared his throat, and was evidently in readiness to talk at great length.

"One moment, if you please," interrupted Mr. Waterbury, counsel for Mayor Havemeyer. "I wish to raise a preliminary objection." He then proceeded to give his reasons why the motion should not then be heard. He began with reading the affidavit of Mr. Wingate upon which the order to show cause had been granted in the case. He claimed that in section 46 of the Code a special reason should be given by counsel why such order should be granted, which, as he alleged, had not been given. It was claimed also that proper notice had not been given. He then went on to say that the manifest desire of the opposing counsel was to have the matter come before a judge of their own choosing. As for himself he was as willing His Honor should hear the motion as any one else, but he did object to this bold attempt on the part of the opposing attorney to control the matter. He therefore asked that the present motion be denied without prejudice to its renewal at a proper time.

Mr. Wingate essayed a reply, but had not got further than "If Your Honor please," when Judge Donohue brought him to a sudden stop.

"I see there is an objection to my sitting as judge in this case," spoke up the Judge sharply. "It shall be heard before another Judge on Monday next."

Mr. Clinton—"May I ——."

"I have disposed of the matter," said Judge Donohue.

"But I desire to inquire as to the placing the case on the calendar," persisted counsel.

"I will give an order that the case be placed at the head of Monday's calendar," replied Judge Donohue.

"I wish to be understood," remarked Mr. Waterbury, "that I do not object to you as the judge."

"I think otherwise from what you have said," replied Judge Donohue; "at all events I have disposed of the matter as far as I am concerned. I will only add that I overrule your objections."

Upon this announcement the counsel picked up their bundles of papers and left the court room.

WHAT THEY WANT TO STRIKE OUT.

The following extract from Mayor Havemeyer's answer is the portion for striking out which the present motion is made:—

And for a fourth and separate answer and defence, the defendant alleges and states that at the time of the publication of the letter hereunto annexed the plaintiff and one John Morrissey, by the means and through the power of a certain secret society or corporation known as the Society of Tammany or Columbian Order, the owner of a certain building known as Tammany Hall, and of a certain other body or association known as the Tammany Hall General Committee, constituted by and under the direction of and absolutely controlled by the plaintiff and said Morrissey, and deriving its influence and authority from the exclusive political use and occupation of the said building, by and through the favor of the said society or corporation, and especially of a part of the said General Committee known as the Committee on Organization, of which the plaintiff then was and is yet chairman and manager, had usurped and were at the time of the publication of the said letter and for a long time prior thereto had been assuming and exercising important public functions—to wit, the dictating of the nomination of the persons to be elected to the various offices to be filled by the votes of the electors of the said city and county and of the various subdivisions thereof, and also, either directly or by and through the agency of the said Committee on Organization, the dictating or attempting to dictate to various officers of the said city and county, judicial and administrative, the persons they should appoint to various positions to be filled by them; that such usurped functions were and are contrary to public policy, subversive of the laws and institutions of this State and dangerous to the public welfare; that the defendant, having acquired knowledge of the facts stated in said letter hereunto annexed, marked "B," showing that the plaintiff had been guilty of dishonest and fraudulent conduct, as therein set forth, and the defendant being the Mayor of the said city and county, and specially charged with the oversight of the public interests, and the plaintiff, having usurped and assumed and being in the exercise of the public functions aforesaid, it became the duty of the defendant to communicate such facts to the public, and that in the performance of such duty and for other reasons the said letter hereunto annexed, marked "B," was written and published.

The case stands over till Monday.

A BUILDING SOCIETY.

The old story of alleged frauds upon poor Germans in the purchase of lots for homesteads from a co-operative building association selling lots in the vicinity of Long Island City has been again revived in the courts. The suit of Christian Borbeck against the Co-operative Building Association of the United Cabinet Makers No. 2, The Long Island City Land Company, Frederick Feldman, Cody Anfanger, C. A. Bruggeman and John A. Stemmler (Civil Justice) and wife came up for argument yesterday before Judge Donohue, in Supreme Court, Chambers, on motion by ex-Judge Dittenhoefer for appointment of a receiver. The "Co-operative Building Society," it was stated, was formed to meet the demand of the German workingmen for homes of their own, and the promise was held out of a lot free of incumbrances by simply paying $2 a week until $300 was paid in. Plaintiff, according to the statement of his counsel, paid in $1,800 for five lots, and the association gave him a deed, executed to them by John A. Stemmler and wife, which on its face conveyed property free of incumbrance, but was subsequently found to have been mortgaged to the original grantors, Brown and Hyde, and is now advertised for sale. In order to free his lots the plaintiff had to pay $1,100. The $1,800 was used by Stemmler and the association, it is alleged, not to pay off the mortgage, but to invest in another piece of land held under the new name of the Long Island City Land Company, and the whole of the land has been placed in the hands of Feldman, Anfanger and Bruggeman as trustees. Counsel insisted that the second tract of land, bought by the weekly instalments of plaintiff and other poor men, ought to stand good to repay the $1,800, and that the trustees should be discharged, an injunction granted against the sale and a receiver appointed. Decision was reserved, the Court taking the papers.

ALLEGED SMUGGLING OF LACES.

Yesterday in the United States District Court the case of the United States vs. six trunks containing laces valued at $12,977 was brought on for trial before Judge Blatchford and a jury. The claimant of the goods in question is Josephine Morin, and it is alleged that she smuggled them from France into this country in September last by the steamer St. Laurent. The government, on this ground, seek to condemn the laces. This is the second case under the recent law of Congress which permits the defendant to go into the question of intent. A Custom House officer named George C. Kirby testified that the claimant signed her name to the usual declaration to the effect that she was not bringing in any dutiable goods and that she had none among her baggage. The trunks were permitted to be landed, and some circumstances, which subsequently transpired, led to their seizure. On examination it was found that the trunks contained laces. It further appeared, from the testimony of the witness, that the claimant is a native of France, and that, when he placed the declaration in her hands, she was able to speak but one word of the English language. The witness added, in the course of his cross-examination, that the trunks were demanded as unclaimed baggage. An officer from the Appraisers' Department named M. J. Corbitt gave evidence to the effect that he examined the laces; they were packed in trunks. It was agreed between counsel on both sides that the trunks appeared as baggage on the manifest of the steamer. The prosecution here rested, and Josephine Morin, the claimant, was examined at considerable length through an interpreter. She said she had no intention of defrauding the government; she expected to pay the duty on the goods; she did not understand what the officer said to her about the declaration; she said her belief was that everything connected with the laces was all right; she did not speak a word of English to the officer; she never entertained any idea of defrauding the revenue; the trunks containing the laces were taken away from her without her knowledge. The further hearing of the case was adjourned till Monday.

BUSINESS IN THE OTHER COURTS.

UNITED STATES DISTRICT COURT.

Consul General Garcia Honorably Vindicated.

The suit of Nathaniel McKay against C. R. Garcia, Consul General of Uruguay, tried before Judge Blatchford and a jury, has resulted in a complete vindication of Mr. Garcia's honor. The particulars have already appeared in the HERALD. The plaintiff sued the defendant for the sum of $11,567 73, being a balance alleged to be due on a contract for building a sidewheel steamer for the South American Company of Buenos Ayres. The case attracted a good deal of public attention, and though a verdict for the defendant was confidently anticipated the result is not the less gratifying to Mr. Garcia's numerous friends.

SUPREME COURT—CIRCUIT—PART 2.

Decision.

By Judge Van Brunt.

Hollacher vs. O'Brien, Sheriff, &c.—Memorandum.

SUPREME COURT—SPECIAL TERM.

The Female School of the Sacred Heart.

Before Judge Van Brunt.

The Tax Commissioner in 1870 imposed a tax of $5,929 50 on forty acres of fifty acres of land occupied by the Female Academy of the Sacred Heart, near the foot of 126th street, on the Hudson River. As the tax was not paid the city was about to proceed for non-payment, and thereupon the institution, through John E. Develin, its counsel, applied for an injunction to restrain the city from the sale. A demurrer was made and an argument was had yesterday. Mr. Develin made a lengthy and forcible argument, setting forth the reasons why the injunction should be granted. He stated that this is one of the most useful and efficient schools in the city, having some three hundred resident pupils and five hundred day scholars. A good share of the grounds is taken up with the buildings and kitchen garden; the rest is no more than is required by the pupils for their daily walks and exercise. On the other side it is claimed that the plaintiffs took the wrong course, and neglected the remedy open to them under the statute of 1859, and ought to have brought suit against the Commissioners, who are the proper judges. The Court reserved decision.

Decision.

By Judge Van Brunt.

Bowery Savings Bank vs. Richards.—Judgment for plaintiff, with costs.

SUPREME COURT—CHAMBERS.

Rival Railroads at Loggerheads.

Before Judge Donohue.

The Christopher and Tenth Streets Railroad Company are at loggerheads with the Central Crosstown Railroad Company. The former's charter authorizes them to commence at the Hoboken ferry and that of the latter to run to the foot of Christopher street and thence up Christopher street, where the tracks of both are laid. West street had not been widened to 155 feet. Recently the Christopher street line laid a track close to the ferryhouse, and the Central, not to be outdone, made a turnoff at about the same point. Suit has been brought to compel the defendants to disuse the turnoff. The case came up for argument yesterday on a motion for injunction. Decision was reserved.

Consolidating Suits Against the City.

Motion was made recently on behalf of the city to consolidate the action of Leopold Wartheimer and another vs. The City, in the Supreme Court, and the two actions of the same plaintiffs in the Common Pleas Court, for the price of tobacco furnished to the Commissioners of Charities and Correction. The motion was based on the allegation of Auditor Earle, that the tobacco furnished was supplied on days very closely following each other, and that he believes the separate actions were brought to avoid the rule about contracts for more than $1,000. A decision was given yesterday granting the motion.

Decisions.

By Judge Barrett.

Devery vs. Devery et al.—The motion to continue the injunction is denied and the temporary injunction is dissolved, with $10 costs.

Dinsmore vs. Adams and another.—Order settled. Memorandum.

By Judge Donohue.

Payser vs. McCormick.—Memorandum.

Anderson vs. Berry et al.—Motion granted.

Butler vs. Palmer.—Memorandum.

Cormier and another vs. Batty et al.—Commission granted, without stay.

Westheimer vs. The Mayor, &c.; Dieliber vs. Balch; President and Directors of the Insurance Company of North America vs. Oertel; Wright vs. McCormick.—Motions granted.

Pretzfelder vs. Mears; Hall vs. Wagner; Hodsdin vs. Nudds.—Memorandum.

COMMON PLEAS—SPECIAL TERM.

Decisions.

By Judge Larremore.

Morange vs. Herzberg; in the matter of Thompson; The People vs. Bourgeois; Van Reneschaer vs. Willis; in the matter of the application of William H. Jones to change his name; Michel vs. Kubler.—Motions and applications granted.

The Mayor, &c., vs. unsafe buildings northeast corner of Morris and West streets.—Precept issued.

TOMBS POLICE COURT.

Attempted Burglary.

Before Judge Morgan.

Mr. Patrick O'Brien keeps a fruit stand at No. 7 Roosevelt street, and in the cellar of that number he stores his goods at night. On Wednesday night he locked up his place as usual and went home. Saturday morning, about four o'clock, as Officer Hagan, of the Fourth precinct, was patrolling his beat in Roosevelt street, he noticed a man, who subsequently proved to be William Mulligan, of No. 82 Elizabeth street. William was attempting to get away with $75 worth of goods when the officer caught him. He was held in $1,500 bail to answer.

The Police Outrage.

Messrs. Barclay and Cuthrick appeared at this Court yesterday morning and were arraigned on a charge of disorderly conduct, upon which they were discharged. The disorderly conduct consisted in resisting an officer. It appears from the evidence in the case that Officer Alcott, of the detective office—the one making the charge—went into Harry Hill's concert saloon on Thanksgiving night, and while there he saw Mr. Cuthrick, who very much resembled a man for whom he was looking. He watched Mr. Cuthrick, who, being a country farmer, six feet two inches in height, was quite a noticeable person. It was not his height that first attracted Alcott's attention; it was his resemblance in feature and stature to a man for whom the detectives were looking, and on whose track Captain Irving had set him (Alcott). The officer stepped up to Cothrick and told him his presence was required around at headquarters, but Cuthrick refused to go at first and was inclined to make a fuss. Finally he went, and, having left him in the detective's office, the officer returned for Mr. Barclay, whom he supposed to be an accomplice. Inspector Speight took their names and discharged them on their own recognizance to appear at the Court yesterday morning, which they did. Alcott produced the picture on which he arrested Cuthrick, and there certainly was a likeness between the man and the picture, although not a remarkable one, one which would ordinarily be taken as sufficient in an important case like the present. The Judge discharged the prisoners, who left the Court chatting about their novel experience in New York on Thanksgiving Day.

JEFFERSON MARKET POLICE COURT.

Two Warlike Old Women.

Before Judge Smith.

Annie Palmer and Annie McCabe, a pair of old women, reside in the tenement house No. 439 West Thirty-sixth street, and occupy portions of the same floor. They both got rather full of rum on Thanksgiving Day and had a pitched battle on the landing. Mrs. McCabe seized a hatchet and dealt Mrs. Palmer a terrible blow with it over the head. This ended the warfare, and Mrs. McCabe was held in $1,000 bail to answer.

A Clever Swindler.

Frederick Nichols, whose exploits in swindling were reported in yesterday's HERALD, was brought up by Detective Avery, charged by Carlos Fox, of No. 54 East Ninth street, with stealing a suit of clothes from him about the 5th of November. He was boarding in Mr. Fox's house when he stole the clothes and disappeared. He was committed in $2,000 bail for trial and acknowledged himself guilty of the charge. It is said there are several other charges against him, on which he will be arraigned at the Tombs.

A Man Whose Eyes Are Wide Open.

Jesse M. Emerson, of No. 45 East Ninth street, was standing on the corner of Broadway and Ninth street on Thursday evening looking at a target company passing by. A thief snatched his watch, worth $75, and ran with it toward Washington square. He was followed, but made his escape. Yesterday morning while Mr. Emerson was passing through Washington square he saw a man whom he recognized as the thief. He followed him, and the fellow went to Jefferson Market Police Court after a friend of his who was arrested. Mr. Emerson caused his arrest in court, where he gave his name as George Wilson. He was fully committed for examination.

Another Broadway Thief Caught.

Mr. John Irvin, of No. 4 Union court, while standing on the corner of Broadway and Eleventh street, felt a tug at his watch and saw Thomas Larkin running quickly away. He at once gave chase and with the assistance of Officer Burke, of the Fifteenth precinct, captured the thief. In his flight he threw away a gold watch, which now awaits an owner. He was remanded for further examination.

Another Watch Gone.

At seven P. M. on Thanksgiving Day George Woodruff snatched a gold watch worth $125 from Eugene B. Walton, of No. 60 Perry street, on the corner of Broadway and Fourth street. Officer Kilkenny, of the Fifteenth precinct, saw the larceny and gave chase and arrested the thief after a long run. He was held for examination by Justice Smith yesterday.

ESSEX MARKET POLICE COURT.

Three Disorderly Houses Closed.

Before Judge Wandell.

On Thursday night Captain Ullman and Sergeant Bredenburg, of the Tenth precinct, accompanied by a squad of men, made a raid on three disorderly houses in their precinct. The houses pulled were in Bayard street, occupied respectively by Sarah White, with four girls; Maria Young, with three girls, and John Smith, with four girls. John Smith was discharged for want of sufficient evidence and all the others were committed for examination.

FIFTY-SEVENTH STREET POLICE COURT.

Alleged Horse Poisoning.

Before Judge Murray.

The complaint of Dederick Fenker, of No. 1,097 Second avenue, charging Meyer Goodman and Benjamin Fultz with poisoning his horse, which has already been referred to, was taken up for examination yesterday by Judge Murray. Mr. Gerry appeared for the prosecution, assisted by Mr. Bergh on behalf of the Society for the Prevention of Cruelty to Animals. Ex-Judge Koch and Nathan Nesbitt defended the prisoners. The case excited a good deal of interest and a large number of persons were present to hear the examination. The defendants, as well as the complainant, are expressmen. The latter purchased the horse in question, a wagon and all interest in the business as expressman at a certain place on Second avenue. The defendants then established themselves in another office in the immediate neighborhood and endeavored to rival the complainant. A bad feeling sprung up between the parties, the result of which was, Fenker claims, the poisoning of his horse by the defendants. The evidence for the prosecution tended to sustain this view of the case, though it was not positively shown that the horse was put to death by the defendants, or that they had anything whatever to do with it. They were heard to threaten complainant, and other circumstances brought out in the examination strengthened the suspicions against the accused. Rebutting evidence was not taken, and after the prosecution had rested the examination was postponed until Tuesday next.

A Bigamist Gets Off Easily.

William Tapping deserted his wife Matilda, of No. 421 East Eighteenth street, about a year ago and married a young woman named Rose Hamilton. Recently William's former marriage came to Rose's ears and she discarded him. He was arrested yesterday by his first wife, on complaint of abandonment, and a charge of bigamy would also have been taken, but the good nature in Rose's heart would not allow her to prosecute him. He was, therefore, held simply in default of $300 bail to guarantee the payment of $3 a week to his first wife.

THE GREAT SCANDAL.

The Question as to the Time of Trial of Theodore Tilton for Malicious Libel on Rev. H. W. Beecher.

Yesterday forenoon ex District Attorney Samuel Morris appeared before Judge Neilson in the Special Term of the Brooklyn City Court, and moved that a day of trial be fixed for his client, Theodore Tilton, who in October last was indicted for having, as alleged, wilfully and maliciously libelled the Rev. Henry Ward Beecher by the publication of a statement accusing the pastor of Plymouth Church with having been criminally intimate with Mrs. Elizabeth R. Tilton. Mr. Morris said that he would suggest to the District Attorney that the 8th of next month be the day fixed for proceeding with the trial, so that, in case the matter in the civil suit now pending in the Court of Appeals is not decided in time for them to proceed with the civil case upon the day fixed in December, they can proceed with the trial of the indictment.

District Attorney Winslow said he had come there more as a matter of courtesy than otherwise, having had notice of motion served upon him to appear and have a time fixed for the trial of this indictment. The proceeding he regarded as wholly irregular and one which should not establish a precedent.

Mr. Morris said that they did not want to proceed with both cases on the same day, but simply desired to have the time so fixed that in case the civil suit is not ready they could proceed with the trial of the indictment. The preparation of one case involves the preparation of the other, and they would be ready in both. The Moulton case is not the one that interests the people—it is a side issue. The main issue should be tried first. A day should therefore be designated.

The District Attorney said he supposed that the civil suit would be ready in January, whereupon the counsel remarked that if they expected to go on in January there would be no harm in designating some day for the trial of this indictment against Mr. Tilton.

District Attorney Winslow said, so far as the counsel says that he is ready to try this issue, and is anxious to do so, he (Mr. Winslow) is in full sympathy with him. He fully believed that this issue should have a trial at an early day.

Mr. Morris insisted that the Court had the power over its own records.

Judge Neilson will decide the question next week.

Yesterday the counsel for Mr. Tilton filed a note of issue in the suit instituted by him against Rev. H. W. Beecher for the term of the City Court beginning December 7.

UNITED STATES SUPREME COURT.

WASHINGTON, Nov. 26, 1874.

No. 85. Michaels and Levi vs. Post—Appeal from the Circuit Court for the Northern district of New York.—This was a proceeding brought by Post, as assignee in bankruptcy of McCrary, to set aside a transfer of goods made by the bankrupt to the appellants, on the ground that it was in fraud of the rights of the other creditors. The allegation was sustained and the decree was for the assignee. It is here alleged that there was no fraud and that the Court erred in not deciding that the bankruptcy proceedings were wholly void, on the ground that the Court had no jurisdiction over the parties thereto or the subject matter of the proceedings, because the petitioning creditor was not a creditor of the bankrupts, and because the petitioning creditor instituted and carried on the proceedings in fraud of the Court, concealing this fact. J. N. Pomeroy for appellants, defendant not appearing.

No. 86. Lewis vs. Cocks—Appeal from the Circuit Court for the District of Louisiana.—The defendant in error sought the reconveyance of certain real estate located in New Orleans, sold under the following circumstances:—In 1860 General Anderson, as trustee for his wife, sold certain slaves inherited by her from her father, General Clinch, to Cocks for $19,500, of which he received $1,500 in cash, and for the balance took promissory notes secured by a mortgage on the property in question. Under this mortgage the General, in 1863, caused the property to be sold, in pursuance of proceedings in the Provisional Court, and at the sale he became the purchaser for $7,500. Subsequently he filed a petition in the same Court, alleging that Cocks was still indebted to him $8,500. In this proceeding judgment was entered by default (Cocks residing in Mississippi), and certain lots belonging to him were seized and sold to satisfy the judgment, which were purchased by one Izard for $1,500. The reconveyance of the property sold to Izard is asked for on the ground that the judgment of the Provisional Court was a nullity, as there was no legal service and citation in the proceeding, and for the further reason that many persons were prevented from bidding by the understanding imparted by Izard that he was bidding as the friend and in the interest of General Anderson. The decree was for Cocks, and the same question is presented here. Lewis claims as a *bona fide* purchaser, without notice. P. Phillips for appellant; C. Robinson for appellee.

No. 450. Cannon vs. City of New Orleans—Error to the Supreme Court of Louisiana.—This was an action in the name of Cannon, as owner of the steamboat R. E. Lee, to enjoin the city from the collection of wharfage under an ordinance imposing a tax of fifteen cents per ton on ships navigating the Gulf or the ocean. The claim was that the steamboat, being duly enrolled and licensed in the coasting trade under the acts of Congress, she could not be compelled to pay the local tax. The judgment below sustained the tax and the question is brought here, where it is contended that the ordinance under which the tax is laid is in conflict with the act admitting the State into the Union, in that she came in under the solemn pledge that the Mississippi and the navigable waters leading into it or in to the Gulf of Mexico shall be common highways and forever free to the inhabitants of the States of the Union without any tax, duty, impost or toll. It is also argued that it is in conflict with the provisions of the constitution prohibiting a State from laying any duty on tonnage, as the tax is sealed by the tonnage of the ship taxed; also, with the provision exempting vessels bound to or from any State from paying duties in another, and with the provision conferring on Congress the power to regulate commerce among the several States. P. Phillips for plaintiff in error; W. H. Beckham for defendant.

THE CONSPIRACY TRIAL.

A. B. Williams Acquitted—The Jury Disagree as to the Guilt or Innocence of Harrington and Whitley—They Are Discharged by the Judge.

WASHINGTON, Nov. 27, 1874.

The Criminal Court was crowded to-day from ten to eleven o'clock in expectation of the jury being sent for to render a verdict in the case of the alleged burglary conspirators. Shortly after eleven Deputy Marshal Phillips came into the court room and commenced arranging the chairs for the reception of the jury and of counsel.

The bailiff stepped to the door and rang a large bell, and very quickly thereafter counsel came filing in and took seats around the table. At half-past eleven o'clock Judge Humphrey took his seat.

Judge—Mr. Phillips, bring the jury into Court.

The jury was soon thereafter seated before the Judge, looking unshaved and unkempt. The Judge directed the roll to be called, and when all had answered the Judge said:—"I am about to ask you a few questions, but you need not answer anything except just what you are asked." Turning to the foreman, he said:—"Have you agreed upon a verdict?"

The Foreman—We have, sir, as to one of the defendants.

Judge—Is there a reasonable probability that you will not agree upon the guilt or innocence of the other defendants?

Foreman—There is.

Judge—What do you all say, gentlemen?

The jury all said that they could not agree as to the others. The foreman said that after a full consultation with the members of the jury he thought it impossible to agree.

Judge—Well, that is the only way in which you can find out about it. Mr. Clerk, take their verdict.

Clerk—What say you, gentlemen of the jury, have you agreed upon a verdict?

Foreman—We have as to one of the parties.

Clerk—Pass up your verdict.

Foreman (rising)—We agree that Arthur B. Williams is innocent, and cannot agree upon Whitley and Harrington.

Judge—Have counsel any suggestions to make before I discharge the jury?

Mr. Riddle—I have nothing to say, Your Honor.

Mr. Davidge—I have nothing, only it may be as well now as at any time to notify Mr. Riddle that I shall call up the case at as early a day as possible on the assembling of the next term of the Court.

Mr. Riddle—I suppose the case will come right along up, whether the gentleman notifies me or not?

Judge—Yes. Gentlemen of the jury, I now discharge you from further consideration of this case, and, Mr. Clerk, you will continue the recognizance of the gentlemen till the next term of the Court. I will now adjourn the Court till to-morrow at ten o'clock.

A talk with jurors after they were dismissed divulged the fact that on the first ballot they stood eight for acquittal and four for conviction in Harrington's case, the following jurors voting for conviction:—Craig, Mann and Hickling (white), and Moseby (colored), and the vote did not change during the whole time they were out. In Whitley's case the vote stood nine for acquittal and three for conviction, Hickling changing his vote in the case of Whitley, and this vote was not further changed. There was no difference of opinion in Williams' case, all agreeing that he was innocent. The crowd lingered about the court room for a half hour, discussing the subject and talking with the jury, who were free to relate what transpired in the jury room.

THE DETECTIVES' HAUL.

The Arrest of Hilt in Philadelphia on the Charge of Forgery—Strange Difference of Opinion as to Whether Hilt is Bachelor or Bachelor Hilt.

The arrest of George Hilt in Philadelphia, on Thursday, on the charge of being connected with extensive forgeries of bonds created no little excitement in Wall street yesterday, where all sorts of rumors were rife about the matter. The man arrested seems to be in rather a bad fix for one who belongs to a respectable family, and has heretofore, from all accounts, borne an excellent reputation so far as his direct personal operations are concerned. The HERALD reporter was informed by a member of the Governing Committee of the Stock Exchange that all rumors as to Hilt's being connected with very extensive forgeries by which prominent houses in this city had lost heavily, were utterly without foundation, that in fact no large forgeries of bonds had been committed in the city of late. The facts in the case thus far gleaned from all sources, and which may be relied upon as correct, are these:—Some time ago the Chicago and Northwestern Railroad Company discovered that forged bonds of the road were in the market, and they at once took steps to trace the forgeries home. It is said that in the course of the work of the detectives they learned that the $15,000 worth of bonds (in bonds of $1,000) had been negotiated by Mr. Hilt. In relation to Hilt's connection with the forgeries the private detective gave it as his opinion that the man was innocent of any evil intent—that he did not know that the bonds were forged when he handled them, and added:—"I think he was made use of by the men he fell in with." He expressed the opinion to the reporter that the action of

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was prompted by a bad motive. Said he, "My opinion is that the attempt was made to bring Hilt on here so as to get him to shut his mouth as to what he knew of the forgeries; that it was made really to cover up the real criminals." As there is not the best of feeling existing between the regular police detectives and the private agency alluded to this opinion of the agent in charge can be taken for simply what it is worth under the circumstances; but it certainly does seem rather strange that the New York men should have attempted to get Hilt into this State without a warrant, if they had good evidence against him to make a requisition procurable without difficulty. The idea evidently intended to be conveyed by the private detective in giving his opinion as to the action of Captain Irving's men was, that either the real forgers and the police detectives have some interest in common in the case or desired to baffle the plans of the private detectives. With this view of it in his mind the HERALD reporter called on one of the Headquarters detectives who was concerned in the case, who stated frankly that Hilt had agreed to come to New York with Detectives Dusenbury, Doyle and Silleck. He added, however, on being questioned, that Hilt, who was in bed in his father's house when the officers called, early on Thursday morning, demanded by what authority his arrest was made, whereupon William F. Reed, of the United States Secret Service, who was with the police detectives, showed his shield and a certificate signed by Chief Whitley, under date of June last, issued to J. F. Gillen, Reed not having his commission with him. This seemed to be satisfactory to Hilt, who was informed at the time of the charge against him. As to this charge, Captain Irving and his officers, it appears, obtained a week ago what they deemed good enough ground to base it upon by the discovery of forged United States bonds and a lot of counterfeit plates of United States five-twenty bonds and of twenty-five and fifty cent currency in the office, No. 48 New street, hired as a "broker's office" by Hilt, under the name of J. E. Bachelor. On going to this office last week Irving and Dusenbury state that they not only found counterfeit currency plates, but forged United States bonds, two of them being for $5,000 and one for $10,000. John Batterberry is the janitor of the building in New street, No. 48, who "lets out" the rooms and offices. He says that a man giving his name as J. E. Bachelor hired an office on the second floor from him in June last and paid his rent in advance. Mr. "Bachelor's" front office door seemed to be always locked, and this circumstance Batterberry says excited his suspicions that

ALL WAS NOT RIGHT.

Bachelor himself was seldom visible, but he seemed to have several regular callers, who always took care to lock the door after they entered. He discovered on Saturday last, he says, that Bachelor's name had been rubbed off the door. The following Monday a detective called and inquired as to the character of the lessees of the office. It being after office hours Batterberry refused to allow him to go into the office. On the following Wednesday Captain Irving and some of his men came to the office and compelled him to open the doors. On entering they tore up the carpets, opened the desks and carried off a lot of papers. Batterberry went to Philadelphia some days ago and saw Hilt, when he was arrested, and at once recognized him as the man who had hired the office from him, and whom he had known as "J. E. Bachelor." Strange to say, when asked yesterday by the HERALD reporter whether Mr. Hilt and Mr. Bachelor were the same, the private detective agent said, "No, they are not." How, then, Batterberry's statement and this can be reconciled is one of those things which seems past finding out, as the latter refused to tell the reporter what reason he had for believing that Mr. Bachelor and Mr. Hilt were not one and the same person.

THE FINAL SCENE.

Mr. Hilt is now under $10,000 bail in Philadelphia, and is to have a further hearing next Wednesday before the United States Commissioner. It is believed that the Grand Jury will take cognizance of the action of the New York officers, and if any kidnapping was attempted there may be trouble ahead for more than one of them.

NEW YORK CITY.

Professor Bonamy Price, of Oxford University, England, will lecture on "Panics and Crises" at Steinway Hall on Monday evening, under the auspices of the Mercantile Library Association.

James Hay, a Scotch sailor on the steamship European, which lies at pier 21 North River, fell from a mast which he was scraping yesterday afternoon. He was hurt severely and was sent to the Park Hospital.

Thomas O'Neil, a young man who resides at No. 239 West Thirty-third street, was throwing a stone "for fun" yesterday morning, when by some strange movement he broke his right arm. He was sent to Bellevue Hospital.

St. Andrew's Day, the anniversary of the patron saint of Scotland, will be duly celebrated by the natives of that country resident among us by a public dinner at Delmonico's on Monday evening under the auspices of the St. Andrew's Society of this city.

The Receiver of Taxes gives notice that one per cent will be added to all taxes unpaid on the 1st of December, also an additional one per cent on December 15. On all taxes remaining unpaid on January 1 interest at the rate of twelve per cent per annum will be added.

On Monday evening next, the 30th inst., the first anniversary of the Albion Society, composed of Englishmen, will be celebrated at Beethoven Hall, in Fifth street. This society, although but a year old, numbers 150 members, and it is expected that the occasion of their anniversary will be marked with considerable *éclat*.

James Burns, aged sixty-seven years, having no home, was knocked down by a truck last evening in Thirty-eighth street, between Ninth and Tenth avenues. The wheels passed over him, bruising his body and breaking his left arm. The driver, Owen Gilleather, of No. 412 West Thirty-eighth street, was arrested by the police of the Twentieth precinct.

A lecture descriptive of "Midnight Church Work in London to Rescue the Fallen" will be delivered to-morrow evening in the Church of the Incarnation, Madison avenue and Thirty-fifth street, by the Rev. J. W. Bonham, the church evangelist, who visited London to study the working of the great mission held in 248 of the largest churches ten days before Lent.

On Thursday night some person threw a light into the letter box at Forty-eighth street and Sixth avenue. Six or eight letters were entirely destroyed and twelve more were considerably damaged, but their addresses are still legible. There is a standing reward of $250 for the detection of offenders of this kind. Persons who posted letters last night at that place can obtain information by calling upon Superintendent Reed, at Post office station G.

The Dwelling Reform Association organized yesterday at No. 113 Broadway, with the following officers:—Parke Godwin, president; J. M. Bundy, vice president; S. Leavitt, secretary; directors, Howard Crosby, Abram S. Hewitt, Parke Godwin, Samuel Willetts, Stephen Smith, J. B. Hodgskin, J. M. Bundy, Carl Pfeiffer, C. F. Deems, G. W. Samson and J. K. Ingalls. The objects of the society are to improve and cheapen the homes of the masses of the people and promote the normal distribution of population in town and country.

The Managers of the Howard Mission and Home for Little Wanderers, No. 40 New Bowery, return their most sincere thanks to the "generous public" who so kindly responded to their "Thanksgiving appeal" that they were enabled to provide a good turkey dinner for about 1,200 of the "poor and needy" of their district without drawing upon the funds contributed for the "regular work" of the institution. The Mission also yesterday sent to the sick and others who could not come 125 large baskets of food from the surplus of the Thanksgiving feast.

Within a few days the entire squad of Custom House officers working under the inspectors of the Surveyor's Department have been retired. Their business was to attend personally all the steamships arriving in port, and to examine passengers' luggage, with power at once to settle all minor questions relating to dutiable articles without the detention and vexation which would result from sending small articles or lots of merchandise to the public store. The officers designated for this business could both appraise and collect, guiding their actions simply in the exercise of private judgment under the law.

STATEN ISLAND.

The young people of Stapleton and vicinity had skating for one of their Thanksgiving Day enjoyments the first of the season. Yesterday the skating upon the flats was quite good.

The Staten Island Railway Ferry Company have intermitted their six o'clock morning trip from New York for the winter, and consequently the isolated and unfortunate Staten Islanders cannot get their morning newspapers from the city until eight o'clock.

Thomas Lynch, Michael Keeley, William Corey and William McKenzie, all young men of Stapleton, and of respectable families, were arrested by the police on Thanksgiving Day for wearing masks and painting their faces so as to represent Indian characters, and taken before Justice Kassner, who discharged them. Great indignation is expressed among the people of the village at this action of the police authorities, which is regarded as entirely unwarrantable. Robert Christie, Theodore Frean and other well known lawyers express the opinion that there was no more propriety in making the arrests than there would be in arresting the actors and performers in theatres and circuses, and some of the indignant citizens propose to take some legal action in the matter. The fathers of the young men arrested, it is understood, intend to lay their grievances before the Board of Police Commissioners at their next meeting, and ascertain whether there is not some redress for the alleged indignity to their sons.

ROASTING A CHILD.

Official Investigation—The Mother Held Responsible—She is Recommitted to the Tombs.

An investigation yesterday took place before Coroner Kessler in the case of Mrs. Isabel Gaynisch, living at No. 639 Washington street, who stands charged with having on Friday of last week purposely placed her little daughter Carrie, four years of age, on a hot stove, thus literally roasting her. The child lingered till the day following, when death ensued. Most of the testimony went to show that the prisoner, who has been intemperate in her habits, was subject to fits, and that she had one on that fatal morning. The weight of evidence was in favor of the prisoner being of unsound mind and therefore irresponsible for the act; in fact, no motive was shown for the unfortunate woman committing the deed, but the jury, in their verdict, believed that Mrs. Gaynisch knew full well what she was doing when she placed her child on the hot stove.

Dr. Comfort deposed that on Saturday morning last he was called to see deceased and found her suffering from convulsions, the result of extensive burns; Mr. Gaynisch said something about his wife burning deceased on the stove; deceased had been scalded in September and the witness attended her; when the witness was at the house on Saturday last he heard various hints and some accusations made against the prisoner in regard to the burning of the child; deceased was burned on the feet, legs and hips; prisoner told the witness that her child got burned while she (prisoner) was in a fit.

Teresa Donohue, living at No. 639 Washington street, deposed that on Friday last she saw the prisoner in a fit, soon after which witness entered her own room and locked the door; soon heard the little boy cry out, "Oh, mamma, take the baby off the stove;" the witness went out on the fire escape and saw the child sitting on the stove; the child was crying to be taken off the stove; prisoner, who looked wild, cried "Watch" and "Murder;" opened the room door, but the witness did not go in; prisoner was shaking and frothing at the mouth when the witness first saw her, and her eyes were rolling wildly about; prisoner did not appear to act sensible when the witness first saw her.

Elizabeth Doran on Friday morning heard deceased scream out, "Oh, mamma, take me off the stove and I will not tell papa!"

Charles Gaynisch, the little son of the prisoner, six years of age, stated that his mother put deceased on the stove and said she would keep her there till her father came home.

Charles Gaynisch, father of deceased, testified that on coming home to his breakfast on Friday morning he found his child burned and lying on the bed; the child put her arms around his neck and said, "Oh, papa, mamma burned me; she put me on the stove;" called medical aid; witness has seen his wife in fits several times a year; she was addicted to drink, after which she would have fits; she is quick-tempered and violent when drunk; never knew her to harm the children when she was in her right mind.

Deputy Coroner Leo, who examined the body of deceased, testified that she was fearfully burned—in fact, absolutely roasted, and, in his opinion, death was due to shock and exhaustion, the result of the extensive burns which she had received.

The case was then given to the jury, who rendered the following

VERDICT:

"That Carrie Gaynisch came to her death by shock and exhaustion received on Friday morning, November 20, 1874, by being placed on a stove by the mother at 639 Washington street, and we further unanimously believe that the mother of said child was sensible at the time that she did it."

The accused, a sad, downcast looking woman, of fair intelligence, is forty-six years of age and born in Ireland. She pleaded entire ignorance of the occurrence which resulted in her child's death.

Thereupon the prisoner was committed to the Tombs to await the action of the Grand Jury. Mr. Leo Schwab was retained for Mrs. Gaynisch.

RUM AND RUIN.

Investigation Before the Coroner of the Cart-Rung Murder.

A Saturday Night's Spree and Its Fatal Issue—The Accused Committed.

An investigation was held yesterday afternoon, by Coroner Woltman, in the case of the deceased, John Carnacon, who died early on Sunday morning last, from wounds received in a drunken brawl, in Washington street, a few hours previous. George Washington Murray, the accused, a man named Pertain, Martin Joyce, alias Reddy Joyce, Michael Mullen and John Gibbons were all arrested after the occurrence, Murray being sent to the Tombs and the others to the House of Detention. Gibbons, however, gave bail and was released, but the three others were still detained for the investigation. The prisoner was defended by Mr. Schwab, who asked questions through the Coroner.

THE TESTIMONY.

John Gibbons, who keeps a liquor store at 685 Washington street, was the first witness examined. He testified that he knew nothing about the quarrel, and that he closed his place of business after the party here in question had left; there was no argument among the crowd; John Carnacon, his friend and two others, whose names he did not know; they were talking of the 'longshoremen's strike; witness requested them to leave the store, because it was a quarter to twelve o'clock and as there was a chance of a quarrel; Pertain came back to the store after the party left and said that the "big bloat" was laid out and that Murray had done it, but the term "big bloat" was a favorite expression of this young man's; he did not see anybody lying on the sidewalk; he heard talk going on outside for about twenty minutes after he closed the store; the first he heard of the assault was from the officer on duty in the neighborhood, except what he had heard from Pertain; there were six persons in the store some time previous to closing; three of them did not interfere in the argument; Murray was asleep at the time, lying on the table, and did not take part in the conversation; witness believed that Murray had left the store before the disputants were told to leave; did not think that Murray knew the crowd, and there was no angry word spoken in the house that night that could raise a quarrel.

PERTAIN'S ALLEGATIONS.

William H. Pertain, of No. 157 Perry street, was the next witness examined—About half-past eleven o'clock the crowd were in Gibbons' store; they asked for drinks, but Gibbons refused to give them, as the last round was not paid for; they had been talking about the strike and then got to speaking of nationalities; Gibbons told them to leave; after they went out "each snatched his man," and they got to rolling in the gutter for about five minutes; they were not fighting, they were rolling on top of each other; a lady came into the store with a pitcher and I went out on the sidewalk; two of them then ran up Washington street and the other two kept rolling on the sidewalk; Murray came to me and asked if Gibbons was fighting, and he then went to a truck and took a cart rung, and, as Carnacon was getting up he struck him; witness then went into the store and told Gibbons that he thought Murray had killed a man; Joyce and witness then went up Washington street to a liquor store at the corner of West Tenth and Hudson streets, where Murray soon came in and asked all hands to have a drink; stayed in the liquor store until five o'clock and then went to a house in Greenwich street, from which place witness went home and had his breakfast; went into the store about half-past eleven and there were four men there; the crowd left at about ten minutes to twelve; Gibbons ordered them out, as he did not want to have a row; and he then put the bars on the door; witness remained in the store until the lady came, and Gibbons took down one of the bars to let her in; when I went out on the sidewalk saw Wash Murray strike the man while he was on his knees getting up; Gibbons did not go out on the sidewalk; don't know what became of the cart rung; the three men with Carnacon went away; witness had no ill-will toward Murray and never had any quarrel with him; witness was out of work one week and had been in his last place seven months.

JOYCE'S STATEMENT.

Martin Joyce, of No. 157 Perry street, was next examined—Was in Gibbons' store at a quarter to twelve Saturday night; saw four men drinking at the bar; did not know any of them; they got growling among themselves and Gibbons ordered them out; they continued quarrelling on the sidewalk; witness did not leave the store; Pertain came in and said, "Mr. Gibbons, I believe Murray has killed a man;" Gibbons said to the man that he would not give any more drinks until the last ones were paid for; believed he turned them out because they had not paid for the drinks; witness went out on the Charles street side, and the deceased man was lying on Washington street; Pertain and witness went out together and up to the barroom at Tenth and Hudson streets; Murray came there some time afterward and called for drinks; Pertain said to Murray in the barroom that he believed he (Murray) had killed the man, and Murray made no reply; witness heard nothing further about the occurrence until he was arrested in Gibbons' store; first saw Murray that night in Gibbons' at about twenty minutes to twelve; Murray was then asleep, lying on the table, and the noise of the other men quarrelling woke him up; Pertain was absent from the store about two or three minutes before he returned to say that Murray had killed the man.

WHAT MULLEN HAS TO SAY.

Michael Mullen, of No. 642 Washington street, examined:—Went into Gibbons' Saturday night last at nine o'clock, with John Carnacon; Murray, whose name witness did not know then, was in the store and came up and drank with us; there was a discussion about the 'longshoremen's strike, Carnacon saying that every man ought to be allowed to work; three men came in and the whiskey went round "pretty flush," and there was more talk about the strike; we went out on the sidewalk and the first thing witness knew was that a man struck him and he struck back; witness did not understand what occurred then, but the first thing he remembered next was that he saw his friend Carnacon lying on the sidewalk with his face covered with blood; the other men had run away; witness remained with Carnacon until the officer arrived and took both Carnacon and himself to the station house; never had seen Murray before that night; witness was under the influence of liquor when he entered the store, but was not drunk; Murray sang a song and then laid down on a bench or table; there was no trouble between Murray and Carnacon in the barroom; could not tell a word about why or how they left the store; was too much under the influence of liquor to remember anything at all about how Carnacon received the blow; Carnacon was sober when he entered Gibbons' store.

THE OFFICER WHO CAME ON THE SCENE.

Officer Vanarsell, of the Ninth precinct, testified to having, with the assistance of some citizens, taken the deceased to the station house; his attention was attracted to him on the sidewalk by his heavy breathing; he saw no one at the place but a German woman and Mullen, the latter being in a state of intoxication and endeavoring to get up out of the gutter between the curbstone and the truck.

DR. MARSH'S AUTOPSY.

Dr. Marsh, deputy coroner, testified that he had made an autopsy of the body at Bellevue Hospital, and found the nose broken in and the face lacerated; a large quantity of blood was in the back of the head; the brain was congested and the stomach contained a quantity of fluid, which smelled of whiskey; he believed that death resulted from compression of the brain; the injuries might have been the result of a blow or fall.

THE VERDICT.

The Coroner then summed up the facts and gave the case to the jury. After about an hour's deliberation the jury returned the following verdict:—

We, the undersigned coroner's jury, in the case of the death of John Carnacon, find that he came to his death by a blow from a cart-rung in the hands of George Washington Murray, on the 21st November, 1874.

The jury would state that they came to this conclusion on direct testimony of only one witness, named William H. Pertain.

MURRAY COMMITTED.

The prisoner being asked by the Coroner what he had to say in reply to the accusation against him, answered through his counsel, Mr. Schwab, that he was "Not guilty." The Coroner then committed Murray to the Tombs, to await the action of the Grand Jury. Pertain, Joyce and Mullen were sent to the House of Detention.

ATTEMPT TO ESCAPE FROM LUDLOW STREET JAIL.

A skilfully contrived and as skilfully executed plan to escape from Ludlow Street Jail was made on Thursday morning by Giovianno Malfonconni, an Italian prisoner, held on an extradition process, charged with the murder of a fellow pilot in Palermo, Italy, on the 13th of February, 1873; but, happily for the ends of justice, by the vigilance of the prison authorities the prisoner was recaptured, and his effort to regain freedom by forcing the prison bars, instead of through the regular channel of legal process, was rendered futile. Malfonconni has been in prison since the 5th of October, and during this time he has been visited by no one except the members of his family, who reside in Van Brunt street, Brooklyn, and his counsel. About half past four on Thursday morning the attention of one of the female servants of the prison was attracted by the efforts of a man to scale the

[CONTINUED ON NINTH PAGE.]