# THE COURTS.

## Unexpected Verdict in the Tassino Murder Trial.

## THE PRISONER ACQUITTED.

## Constitutionality of the Sunday Amusement Law Sustained.

## THE GAME LAW ENFORCED.

In the Supreme Court, Chambers, yesterday, application was made to Judge Donohue to reduce the bail of Henry Goodstein, who was tried a few days ago, to compel him to pay $24,300, the value of jewelry stolen from John Brennan, in Philadelphia, and in whose case the jury disagreed. Judge Donohue reduced the bail from $25,000 to $5,000.

About a baker's dozen of youthful aspirants for the honors and emoluments accruing from practice of the law presented themselves yesterday before the Examining Committee. The initiatory examination progressed very favorably for the candidates, and the probability is that nearly all of them will pass.

Captain Walsh's suit for $10,000 damages on account of injuries sustained by being struck by snow falling from the roof of a house came to a conclusion yesterday, a verdict for $2,500 being rendered for the plaintiff.

### THE TASSINO MURDER TRIAL.

The trial of Torros Tassino, the Italian ice cream vender, charged with the killing of Robert Pratt, a school boy of the Ninth street school, was resumed this morning in the Court of Oyer and Terminer, before Judge Barrett. The prisoner, with the same stolid look as usual, sat by Mr. Benjamin F. Russell, his counsel, the prosecution still being conducted by Assistant District Attorney Lyon.

The prisoner was recalled and cross-examined at length, but he stuck tenaciously to his original story.

Simoni Tassino, a brother of the prisoner, testified that he came to this country with him. His brother bought the icecream wagon from Michael Costa about two days before he was arrested. His character is peacable, and all those with whom he has come in contact can testify to the same.

Giovanni Costi, cousin of the prisoner, testified that Tassino's disposition was always mild and that he always refrained from violence.

Pedro Marchilla testified to the good and peaceable character of the prisoner.

Rosa Caravanto testified that she knew the prisoner in Italy, and that he always manifested the greatest peaceability and mildness. Jerolomo Marillo, the prisoner's bondsman, also testified to his good reputation.

John Punini testified that he saw the boy when he was thrown on the street and hurt. He did not recognize the prisoner as the man who threw the boy down.

The above concluded the testimony and Mr. Russell proceeded to sum up, which he did in a most clear, concise, and impressive manner. He reviewed the testimony and with most effective analytical skill showed the bearing of the same upon the exceeding grave charge preferred against the prisoner. He contended that the evidence did not show the prisoner guilty and he enlarged on the danger of relying very strongly on the kind of evidence adduced for the prosecution. But, laying all other testimony aside, he claimed an acquittal on the medical testimony alone. Mr. Lyon briefly summed up for the prosecution. He contended that from the evidence there could be no doubt of the prisoner's guilt, and he asked a verdict of guilty. Judge Barrett occupied but a few minutes in his charge, in which he clearly and succinctly indicated the facts to be determined by the jury.

It took but a short time for the jury to come to a conclusion. They brought in a verdict of not guilty, and the prisoner thereupon was at once discharged. His own joy (and it was his first exhibition of animation during the trial) was only equalled by that of his Italian friends present. They could not repress their expressions of gratification to the prisoner's counsel.

A subsequent episode affords a curious comment on jury trials. It was the general impression that a verdict would be brought in against the prisoner.

"How did the jury come to bring in a verdict of acquittal?" was asked of one of the jurors.

"Well, I felt he was guilty," coolly answered the juror, "but I was not going to stay out seven years to bring in a verdict of guilty. I have other business to attend to. There was a little doubt, and so we concluded to make short work of it and give him the full benefit of it."

### LIABILITIES OF THE CITY.

In the summer of 1869 John O'Friel laid down some pavement about the Park entrances at Fifth avenue and Fifty-ninth street and Fifth avenue and Seventy-second street. He claims that he made a contract with the Park Commissioners to do the work, and the latter claim that, it being an experiment in a new kind of pavement, they gave him permission to test its alleged superiority over other kinds of pavement. At all events, Mr. O'Friel could get no adjustment of his bill for $910, sent in for the work, and so he brought suit for the same. After the case was called to trial Mr. Dean, on behalf of the city, asked dismissal of the complaint, on the ground of the decision in the Superior Court, General Term, in the Maximilian case, holding that the city was not responsible for the acts of any of the departments. He went on to say that the plaintiff had unquestionably a remedy, but the present suit was not the right way to it.

Judge Lawrence, interrupting, said that he thought the present was the right remedy. He then went on to say that this was the first occasion this decision had been brought to his judicial notice in a shape compelling him to rule on it. All he could say was that he did not consider himself bound by that decision. It seemed to him a strange decision, and he could not accord with the view that the city was not responsible for the acts of its agents. He therefore refused to grant the motion.

Mr. Dean then raised another point, and claimed that suit could not be brought upon $300 of the bill, as that portion of the work for which this amount was charged was pursuant to a verbal agreement with Mr. Green as Park Commissioner.

This objection was also overruled, and then the case proceeded to trial. Mr. Robert M. Strahan conducting the prosecution. It was shown that the bill had been audited by the Auditing Committee of the Commissioners and approved by the Commissioners. Upon this state of facts a verdict was ordered for $1,232 50, being the full amount claimed, with interest.

### SUNDAY AMUSEMENTS.

Among the list of actions brought against the Police Commissioners to prevent their interference with operatic and theatrical performances on Sunday was one brought by Max Strakosch against the same parties to compel their non-interference with his operatic performances on Sunday evenings at the Grand Opera House. In the latter case the same course was taken as in the others—that is, the obtaining of a temporary injunction against the Police Board and interposition of a demurrer to the complaint. This demurrer, as heretofore reported, was argued at length before Judge Van Brunt, at Special Term of the Supreme Court, Mr. Charles Wehle appearing for Mr. Strakosch, and Mr. A. J. Vanderpoel for the Police Commissioners, the main question raised being that of the constitutionality of the act of April 17, 1860, under which the Police Commissioners assumed authority to prevent the giving of Sunday entertainments. A decision in the case was rendered this morning by Judge Van Brunt. He makes short work of it, and simply says that as Chief Justice Daly, of the Court of Common Pleas, has decided the identical question raised by this demurrer, he thinks he should be bound by such decision, and sustains the demurrer.

### ENFORCING THE GAME LAW.

Royal Phelps, as President of the New York Association for the Protection of Game, brought some time since an action against William H. Middleton and Gibson Carman, two Fulton Market fish dealers, to compel them to pay a fine of $25 each for 100 speckled trout, exhibited at their places and for sale in March, 1874, in alleged violation of the game laws of this State. The market fish dealers claimed that they were not speckled trout; that they were not caught in this State, but in the British provinces, and that they were not exposed for sale. The case has been some time before the Courts, there having been one trial and a hearing on appeal before the General Term of the Court of Common Pleas. Not content with this extent of litigation, the case was also brought on demurrer to the answer before Judge Van Brunt at Special Term of the Supreme Court. The latter Judge, in his decision given yesterday, abides by that of the Common Pleas, General Term, and sustains the demurrer, or, in more comprehensible phrase, he decides that the answer does not set up sufficient facts to constitute a defence.

### A NOVEL QUESTION.

When the Legislature of 1871 passed a law revising the charter of Long Island City, Queens county, a section was incorporated creating a City Court with the powers similar to the City Court of Brooklyn, empowering the citizens of Long Island City to elect judges to preside over this tribunal, and giving these justices the power of appointment of clerks, officers, &c., and also bestowing on the Court a right to the trial of criminal causes. Some short time past a New York burglar, giving the name of Charles Harris, was tried in this court on a charge of burglary in a dwelling house, and on conviction, was sentenced to the State Prison for seven years.

Recently Harris' friends secured the services of Mr. William F. Howe to endeavor to obtain the release of the convict, and Mr. Howe at once raised a series of points questioning the jurisdiction of the Court to try or sentence his client. These points were yesterday presented to the Court of Appeals and fully argued, District Attorney Downing representing the other side. Prisoner's counsel contended—

*First*—That the Court, called the City Court of Long Island City, before which the prisoner was tried, was an illegally constituted court; that it was a court created by an unconstitutional law, and that it never had any legal vitality; that it was a local bill, declaring by its title that its object was "revision of the charter of Long Island City;" but having a "hidden" purpose, not expressed in its title. The framers of it intended under a pretext simply to revise a charter and raise funds for the support of a city government, to create a court with powers equal to those of the Supreme Court, in utter violation of section 16, article 3, of the State Constitution of 1846, which declares "that no private or local bill which may be passed by the Legislature shall embrace more than one subject, and that shall be expressed in its title." It will be seen that title 8, chapter 461, Laws of 1871, provides for the election of a judge, of a clerk; makes it a court of record, with a seal; provides for appeals to General Term of Supreme Court; for the drawing of grand and petit jurors; all (different subjects to revision of city charter) under a title having for its avowed object solely the revision of a charter of a city. The powers of the Court are to imprison in the State Prison—even for life! Now, nothing could be more foreign to the avowed object of revision of a city charter than the creation of a court of law with powers equal to those of the Supreme Court.

*Second*—The indictment is clearly insufficient to sustain a conviction for burglary in the second degree. It charges only burglary in the third degree and no higher offence, and is defective for the following reasons:—1st. The means by which entrance or breaking was effected are not stated. This must be done. (People vs. Fellinger, 24 Howard, 341). It is also necessary to describe an offence in the words of and in the language of the statute. On this point Judge Denio says:—"If any of the ingredients contained in the statute definition are omitted, the indictment is fatally defective, and the defect is not cured by verdict." In the Fellinger case, it is expressly held that "an indictment for burglary in the first degree, which does not charge the entry to have been in one of the modes set forth in the statutory definition of that degree of crime is fatally defective." In this case the indictment fails to allege either of the modes of entry set forth in the statute, to constitute burglary in the first degree. The punishment was given for burglary in the second degree, the offence of which the jury convicted the prisoner. The indictment really only charges the offence of burglary in the third degree, and the jury could not legally convict of any higher offence under it. The axiom is that "the greater includes the less," and that if any one is indicted for the first degree of a crime he may be convicted of a lesser. But there is no law for indicting for a lesser degree and being convicted of a higher.

Counsel claimed, in conclusion, that the conviction and judgments of the courts below should be reversed and set aside and the prisoner discharged.

The result of all this will be that if the points raised, insisting that the Court has no standing in consequence of the provision of the act not being embraced in its title, there will be a general jail and State Prison delivery, as all the prisoners convicted by and sentenced from the Long Island Court are erroneously and improperly imprisoned. The residents of Queens county are watching with anxious expectancy the decision of the Court of Appeals.

### DECISIONS.

SUPREME COURT—CHAMBERS.

By Judge Donohue.

Grant vs. Jonas, Sweet vs. Bay, Titus vs. Lichtenstein, Burchell vs. Beverly, Davis vs. Hoadley, Butterworth vs. Jay, Fanchi vs. Martin, Nichols vs. Whitebone, Third Avenue Savings Bank vs. Churchill, The People vs. Flanagan, Brooks vs. Markey, Davis vs. Clapp, Brown vs. Alberger, Weatherby vs. Stewart, Janasson vs. Farley, Burchell vs. Beverly, Esher vs. Grant, Janasson vs. Farley, Inising vs. Hughes, Everett National Bank vs. Lombard, Stratton vs. Billinge, Getz vs. Sonnerborn.—Granted.

In the Matter of De Witt, Levy vs. Hershfeld, Cassidy vs. Schedel, Donovan vs. Village of Edgewater.—Orders granted.

Masey vs. Levey, Colgate vs. Traver, Cohen vs. Schonner.—Motions denied.

Guarantee and Indemnity Company vs. Toomey.—Denied.

Drew vs. Stricker.—Prisoner remanded; writ dismissed.

Ehrman vs. Du Bois.—Motion granted. (Memorandum.)

Judd vs. Smith.—Settled.

Van Schaick vs. Higgins.—Memorandum.

Payton vs. Trim.—Dismissed.

Hendricks vs. Parks.—Memorandum.

Hope vs. Lawrence.—Taxation affirmed.

By Judge Lawrence.

Phillips vs. Grand Tower Mining, Manufacturing and Transportation Company et al.—Opinion.

Ford vs. Little (Circuit).—An allowance of $250 is granted to defendant.

SUPREME COURT—SPECIAL TERM.

By Judge Van Brunt.

Burton vs. Sherman.—Judgment for plaintiff. (See opinion.)

Casserlea vs. Mannere—Findings settled. (See memorandum.)

Phelps vs. Middleton; Strakosch vs. Matsell et al.—Demurrers sustained.

### COURT OF GENERAL SESSIONS.

Before Judge Sutherland.

ALLEGED ROBBERY IN A SALOON.

The trial of Frederick Hoypaer, the keeper of a concert saloon in Chatham street, charged with robbing a discharged soldier of $140 on the 29th of December, occupied the entire session yesterday. Counsel for the defence called officer Warner, who testified that when he accompanied the complainant into the premises of the accused he said that neither Hoypaer nor Benson, the barkeeper, were the men who robbed him. The clerk of the Lafayette Hotel, where the soldier stopped for two or three days preceding the larceny, testified that on the evening of the 29th the complainant was drinking and treating men in the bar, and that, contrary to his (the clerk's) suggestion, the prosecutor left there at midnight in company with three other men. The police sergeant, who was in command at the station house when he went there to complain of the robbery, was also called to contradict a portion of the evidence of the soldier. Hoypaer testified in his own behalf that he had nothing to do with robbing the complainant, and that the first time he saw him was when he came into his saloon in company with the policeman. He admitted that the soldier picked him out of seven men that night in the House of Detention as one of the men who stole his money. At the conclusion of Mr. Kintzing's and District Attorney Russell's arguments the Judge postponed the delivery of his charge till this morning.

AN ASSAULT.

Frank Soto, who was charged with pointing a pistol at Rosa Cohn on the 29th of December, pleaded guilty to a simple assault. He was sent to the Penitentiary for six months.

### TOMBS POLICE COURT.

Before Judge Smith.

ANOTHER DISHONEST CLERK.

Yesterday morning Officer Carr, of the court squad, succeeded in arresting Oswald Richard, for whom a warrant had been issued, on a charge of forgery. The alleged victim is Carl Hirsch, who is a depositor in the East River Bank, the defendant acting for him in the capacity of clerk. The forgery was committed on October 21, 1874, but it was not until Saturday last that Mr. Hirsch discovered the fact, it having been brought to light when he sent his book to the bank to be balanced. On looking it over he noticed a check for $226 dated October 21, of which he had no recollection. On investigating the entry it was found that the check was a forgery and suspicion immediately attached to Richard. When arraigned yesterday the prisoner had nothing to say and was committed for further examination.

DISORDERLY HOUSE KEEPERS FINED.

Julius Foss, Peter Johnson, Adam Feiso, Peter Smith, Oliver Dawson, Albert Anderson, Charles Lucus, Charles Roe, Gerard Yuester and Charles Smith, who were arrested in a "dive" at No. 135 Chatham street on Sunday night, were arraigned yesterday morning on a charge of disorderly conduct. Adam Feiso, Peter Anderson and his wife Berbetta were fined, and the others discharged, they being sailors who had just happened in as the row began.

HOTEL THIEF CAPTURED.

Henry L. Clinton, alias Robert Clark, of Trenton, N. J., was caught at the Metropolitan Hotel while in the act of stealing a coat from one of the guests. It appears that yesterday morning he opened the door of Mr. Baker's room noiselessly and entered. On leaving he took with him an overcoat, worth about $50, but the noise he made in his exit awakened Mr. Baker, who immediately discovered his loss and ran after the robber, who proved to be an old offender, whom the detectives seem to know very well. He was committed for trial in default of bail.

HE LONGED TO SEE THE WORLD.

Little Jim Wylie, of Brooklyn, had read about the great city of Philadelphia, and yearned to see the same. His father forbade and for a long while Jim had to content himself with longing. Circumstances, however, at length granted the opportunity of gratifying his desire. His father left some loose change, amounting to about $24, on the mantel piece, and Jim took it to go to Philadelphia with. Thinking he would be lonely on the way he induced another boy, named Tommy Doyle, to join him. Having provided himself with some ten cent literature and peanuts and like refreshments, he was about to start, when an officer of the second precinct, in company with his father, came up with him. Judge Smith discharged the boys, not on the ground of contributory negligence on the part of the parent, but because he had no jurisdiction, the alleged offence having been committed in Brooklyn, where he directed the father to make the charge.

### JEFFERSON MARKET POLICE COURT.

Before Judge Otterbourg.

ROBBING A LIQUOR STORE.

About half-past two o'clock yesterday morning Officers Janewood and Dunn, of the Twenty-eighth precinct, saw three men acting suspiciously around the premises No. 208 Bleecker street, which are occupied as a liquor store by Thomas McNiece. The officers at once arrested the men. Two of the prisoners, named Thomas Burton and James Cavanaugh, were outside on the stoop, and the other, named Joseph Gaffney, was found inside the vestibule door, which is of glass, and which had been broken by him. Later in the morning Officer O'Neill, of the Twenty-eighth precinct, found a box chisel lying near the inner door. Judge Otterbourg held the follow burglars in $2,500 bail each to answer a charge of burglary.

A BATCH OF SHOPLIFTERS.

John Davis, Mary Davis, Mary Baker and Henry Schneider were arrested yesterday by Officer Terwilliger, of the Eighth precinct, on a charge of shoplifting. Mr. Ebenezer Wells, salesman for Francis Kloch, of No. 95 Spring street, stated to Judge Otterbourg that four persons answering the description of the parties arrested had entered the st re together on Monday, and after looking for some time at different kinds of silk felt, saying they would call again. After their departure a piece of silk valued at $60 was missed. Mr. Wells positively identified John Davis, but was not so certain of the rest. They were all held for further examination.

### ESSEX MARKET POLICE COURT.

Before Judge Murray.

SWINDLING A POOR GIRL.

On Monday last Catharine Lutz, of No. 9 Greenwich avenue, appeared before Judge Murray and asked for a warrant for the arrest of Isaac Newman and his daughter, Mrs. Sarah Schoenfeldt, of No. 276 Rivington street. She then averred that on the 4th of October last she was induced by Newman and his daughter to give them $35, with which money they promised to secure the services of counsellor Charles S. Spencer in a bastardy suit which she was then prosecuting against Henry Mack. A letter from Mr. Spencer, dated January 16, 1875, to the complainant, which explicitly stated that he had never received any fee in her case, was shown to the Court. A warrant was accordingly issued for the arrest of Newman and Mrs. Schoenfeldt, and they were arrested yesterday by Officer Hosbelt, of the court squad. When brought into court they acknowledged having received the money, but tried to excuse themselves by saying that they had held it for a board bill that was due them. Judge Murray told the prisoners that they had no right to take any money under false representations, and severely reprimanded them. The prisoner, Isaac Newman, then restored the money to Miss Lutz, and all the parties left the court room.

ANOTHER FORGED CHECK.

Henry F. Helmes, of No. 5 Chrystie street, was arraigned on a charge of offering a forged check on the Bowery National Bank, on the 11th of January. Mr. Eugene Ring, paying teller of the bank, alleged that on the above date the prisoner presented to him a check for $50, payable to bearer, signed "John F. Gerdes." Mr. Ring remembered that Mr. Gerdes had kept an account with the bank and sent for him. At the same time he told Helmes that he must get the check indorsed. When Mr. Gerdes appeared he at once declared that he had not signed a check on any bank within a year. The prisoner was held by Judge Murray in $500 bail to answer.

AN UNSUCCESSFUL RAID.

Albert Kellogg, of No. 115 Clinton street; Charles Ward, of No. 68 Suffolk street; Barbara Freys, of No. 126 Broome street; George Smith, of No. 47 Pitt street, and John Turner, of No. 3 Ridge street, were arrested yesterday by Officers Parsh, Van Ranst and Johnson, of the Thirteenth precinct, on a charge of keeping policy offices. They were all brought before Judge Murray, but, as the evidence against them was not positive, they were all discharged.

### COURT CALENDARS—THIS DAY.

SUPREME COURT—CHAMBERS—Held by Judge Donohue.—Nos. 9, 12, 13, 14, 15, 24, 49, 50, 57, 64, 73, 75, 82, 107, 108, 109, 110, 111, 119, 125, 134, 145, 146, 162, 165, 173, 182, 185, 191.

SUPREME COURT—GENERAL TERM—Held by Judges Davis, Brady and Daniels.—Nos. 204, 205, 209, 5, 16, 35, 36, 60, 125, 126, 127, 130, 145, 153, 203, 135, 211, 58, 152, 155, 213, 215, 216, 217, 218.

SUPREME COURT—SPECIAL TERM—Held by Judge Van Brunt—Issues of law and fact.—Nos. 53, 100, 46, 67, 91, 103, 110, 113, 114, 115, 116, 6, 118, 8, 119, 121, 122, 10, 18, 72, 102, 78, 61, 123, 124.

SUPREME COURT—CIRCUIT—Part 2—Held by Judge Van Vorst.—Nos. 1024, 702, 956½, 471, 1018, 984, 998, 888, 338, 1062, 1896, 154, 246, 1306, 1266, 1126, 88, 1122½, 680, 410½, 1592½, 468, 448, 184. Part 3—Held by Judge Lawrence.—Nos. 799, 1068, 1889, 1765, 907, 519, 1439, 877, 1055, 797, 761, 1132½, 295, 823, 1333, 912, 915, 1187, 917, 1715, 655½, 657½, 1063, 1119, 1593½, 2107.

SUPERIOR COURT—GENERAL TERM.—Adjourned until first Monday in February.

SUPERIOR COURT—TRIAL TERM—Part 1.—Adjourned until February on account of the assignment of Judge Van Vorst to the Supreme Court. Part 2—Held by Judge Sedgwick.—Nos. 858, 866, 656, 700, 802, 812, 880, 28, 894, 896, 898, 900, 902, 904, 906.

COMMON PLEAS—TRIAL TERM—Part 1—Held by Judge Loew.—No. 898. Part 2.—Adjourned until first Monday in February.

COMMON PLEAS—GENERAL TERM.—Adjourned until first Monday of February.

MARINE COURT—TRIAL TERM—PART 1—Held by Judge Alker.—Nos. 1360, 1555, 1287, 1292, 1295, 1296, 1335, 1115, 1235, 2047, 1026, 963, 964, 2438, 1182. Part 2—Held by Judge McAdam.—Nos. 59, 986, 1191, 1192, 1279, 1325, 2393, 1364, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 878, 1975, 2648. Part 3—Held by Judge Gross.—Nos. 2625, 2612, 1091, 1213, 1225, 1815, 2274, 2185, 2003, 1642, 910, 2457, 2543, 2578, 2613.

COURT OF GENERAL SESSIONS—Held by Judge Sutherland.—The People vs. Martin Godfrey, mayhem; Same vs. Michael Collins, felonious assault and battery; Same, vs. Daniel W. O'Donald, felonious assault and battery; Same vs. Thomas Baldwin, felonious assault and battery; Same vs. Frank J. Clark, burglary; Same vs. Bella Shaw, grand larceny; Same vs. William Brooks and Joseph Morton, grand larceny.

OYER AND TERMINER—Held by Judge Barrett.—Opens at half-past ten A. M.—The People vs. William Mooney, homicide.

### COURT OF APPEALS.

ALBANY, Jan. 19, 1875.

MOTIONS.

The Home Insurance Company vs. W. Watson and another.—Motion for reargument submitted.

Dewey, appellant, vs. The Board of Supervisors, respondent—Motion to put on calendar.—Ordered on as No. 219½.

Waverly Paper Mills vs. Bristol—Motion to place on calendar, as of date when passed.—On motion of J. M. Dexter, of counsel for appellant, respondent's attorney consenting, granted.

No. 286. Excelsior Savings Bank vs. Campbell.—Motion to set cause back submitted.

Genet vs. Davenport.—Motion for reargument submitted.

APPEALS FROM ORDERS.

No. 279. Albert D. Wilbur, respondent, vs. Henry S. Donolds and another, appellants.—Argued by George Ballard for appellant, respondent to submit points.

No. 289. In the matter of Richard B. Kelly & Co.—Argued by Matthew Hale for appellant and by William F. McRae for respondent, his points to be forwarded.

No. 292. Frederick Fawcett and others, respondents, vs. Bennett H. Vary and others, appellants.—Argued by N. C. Moak, of counsel for appellants, and by George Morris for respondents.

GENERAL CALENDAR.

No. 2. Charles Harris, plaintiff in error, vs. The People, &c., defendants in error.—W. F. Howe for plaintiff in error; District Attorney to forward points.

No. 3. Michael Mahoney, plaintiff in error, vs. The People, &c., defendants in error.—John O. Mott for plaintiff in error; B. K. Phelps for the people.

No. 6. Kate Doud, respondent, vs. Josephine R. Holmes, administratrix, &c., appellant.—Passed.

No. 7. Artemus D. Knapp, administrator and respondent, vs. James H. Harkness, appellant.—On motion of George Adee, of counsel for respondent, no one appearing for appellant, judgment affirmed, with costs.

No. 8. George W. Flower, guardian, &c., appellant, vs. George A. Lance, executor, &c., respondent.—Argued by L. J. Darwin, of counsel for appellant, and by F. W. Hubbard for respondent.

DECISIONS.

The following decisions were handed down to-day:—

Judgments affirmed, with costs.—Carnes vs. Platt, Atwell vs. Brown, Normington vs. Cook, Ayre vs. Kobbe, Skinner vs. Valentine, Coulter vs. Richmond, McCoy vs. O'Donnell, Nims vs. The Mayor, &c., of Troy; The Ontario Bank vs. The New Jersey Steamboat Company, Bowman vs. The Agricultural Insurance Company, Kincaid vs. Devinelle, Poole vs. Kernat.

Judgments reversed and new trials granted, costs to abide the event.—Stillwell vs. Carpenter, McGrath vs. the New York Central and Hudson River Railroad Company, Dusenberry vs. Lagrange.

Judgment reversed and complaint dismissed, with costs.—Van Schuyler vs. Milford.

Judgment affirmed, with costs, payable out of the proceeds of the sale of the premises.—Mapes vs. Snyder.

Judgment reversed and a new trial ordered, unless plaintiffs stipulate to reduce the judgment by allowing thereon the sum of $645 and interest from 1862, and, if so reduced, judgment affirmed, without costs to either party in this court.—Bathgate vs. Haskings.

Judgment in favor of the Female Guardian Society reversed and judgment of the Court below in other respects modified to meet such reversal, in accordance with the opinion of Judge Allen as to the rights of the other parties, with costs of all the parties to be paid out of the fund.

Judgment to be settled by Judge Allen.—Lefevre vs. Lefevre and others.

Order of General Term affirmed and judgment absolute for plaintiff on stipulation, with costs.—King vs. Knapp.

Judgment absolute for respondent on stipulation, with costs.—Tafft vs. Wright.

Order of General Term reversed and judgment of Special Term affirmed, with costs.—Shipsey vs. The Bowery National Bank of New York.

Judgment absolute for respondent on stipulation for $624 41 and interest, from December 24, 1871, with costs.—Gilchrist vs. The Brooklyn Grocers' Manufacturing Association.

Order of General Term reversed and judgment on report of referee affirmed, with costs.—Brennan vs. Holbrook.

Motion denied, with $10 costs.—Graves vs. Wait.

Motion for reargument denied, with $10 costs.—The Marine National Bank vs. The National City Bank; Kamp vs. Kamp.

Motion to dismiss appeal granted, with costs of appeal to time of notice of motion and $10 costs of motion.—Paine vs. McCarthy.

Court adjourned to Wednesday, January 20, at ten o'clock A. M.

CALENDAR.

Day calendar for January 20, 1875:—Nos. 17, 18, 21, 23, 28, 29, 31, 32.

### CORONERS' CASES.

Coroner Eickhoff was yesterday called to the Presbyterian Hospital to hold an inquest on the body of Mr. Anthony Bennett, who died from the effects of injuries received on Sunday evening last by being run over at the corner of Fifteenth street and Fourth avenue by one of the cars of the Fourth avenue line. Deceased was riding on the front platform of the car. As it was turning a curb he lost his balance and fell into the street, one of his legs passing under the vehicle. A wheel passed over the limb and crushed it in a horrible manner. Mr. Bennett, who was twenty-eight years of age and a native of Monmouth county, New Jersey, was employed as salesman for Mr. A. T. Stewart.

Coroner Eickhoff was yesterday called to No. 419 West Thirty-eighth street to hold an inquest upon the body of Mrs. Gombad, a German woman, who died from the effects of burns received on Saturday last. It appears that she knocked a bottle containing a quantity of alcohol from the mantelpiece upon a hot stove and thus set fire to her clothes.

Michael McLaughlin, aged fifty-five years, born in Ireland, was yesterday morning found dead in bed at No. 183 First avenue, where he lived alone. Deceased was of intemperate habits. Coroner Woltman was notified.

Margaret O'Hanlon, a little girl nine years of age, died yesterday at No. 168 East 116th street from the effects of an accidental fall, which happened about three weeks ago. An inquest will be held by Coroner Woltman.

Catharine Wall, a child nineteen months old, fell into a boiler of hot water at the residence of her parents, No. 557 West Thirty-seventh street, and was fatally scalded. Coroner Eickhoff was notified to hold an inquest.


FURNITURE.

A.—WEEKLY AND MONTHLY PAYMENTS FOR Furniture, Carpets and Bedding, at B. M. COWPERTHWAIT & CO.'S, 155 and 157 Chatham street. An immense stock and low prices.

A LARGE ASSORTMENT OF CARPETS, FURNITURE and Bedding, at lowest cash prices, at O'FARRELL'S warerooms, 410 Eighth avenue, between Thirtieth and Thirty-first streets. Payments taken weekly or monthly.

A.—MUST BE SOLD, REGARDLESS OF COST, CONtents of private residence 21 East Twenteth street near Broadway: Parlor Suits, $75; rep, $40; Bedroom, $25; Brussels Carpets, 50c. yard; over 300 lots.

AUCTION ROOMS, 39 EAST THIRTEENTH STREET.—Furniture, Carpets, Parlor Suits, Bedroom Sets, Leather set, Hall Stands, Lounges, Books, Bookcases, Wardrobes and Mattresses, Springs, Curtains, Lambrequins, Cornices, Linen Sheets, Chairs, Extension Table, &c., at private sale, at auction prices.

A PRIVATE FAMILY DECLINING HOUSEKEEPING will sell magnificent Parlor Suit, cost $400, for $150; Turkish Suit, $125; rep Suit, $40; Carpets; Chamber Suits, complete; Bedsteads, Dressing Cases, Bookcase, Bureau, Extension and Centre Tables, &c.; 40 cents on the dollar. Call at private residence 120 West 23d st., near 6th av.

A PRIVATE FAMILY WILL SELL THEIR ENTIRE household Furniture in lots to suit. Parlor Suit, in satin, cost $650 for $250; do. $150, Turkish Suit, $100; Bedroom sets, $60, $150; Bedsteads, Dressing Case, Mattresses, Library and Dining Furniture, rep, plush and haircloth suits, $35; Paintings, Bronzes, Carpets, elegant Decker Pianoforte, $250. Call at private residence, 210 West Twenty-first street.

A PRIVATE FAMILY WILL SELL MAGNIFICENT gilded satin brocade Grand Duchess Parlor Suit, cost $550, for $150; Marie Antoinette, $45; grand square 7½ octave Pianoforte, $250; brocatel and reps Parlor Suits, $50, $40 and $25; chamber, library, dining Furniture, Carpets; a sacrifice. No. 103 West Twenty-eighth street, near Sixth avenue.

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INDESTRUCTIBLE PATENT PLASTER CEILINGS and walls, warranted not to fall, put up in half the time and at less expense than by the old method of plastering. For estimates and information apply to P. G. HUBERT, Jr., 61 Liberty street.

SALES AT AUCTION.

ARTISTS' FUND SOCIETY.
Fifteenth annual sale of Paintings, contributed by members in aid of the Fund, will take place Thursday evening, January 28, at 8 o'clock, at the Somerville Art Gallery, 82 Fifth avenue. Exhibition now open, day and evening. ROBERT SOMERVILLE, Auctioneer.

AUCTION NOTICE.—OVER $20,000 WORTH AND 300 lots of elegant Household Furniture, contents of private residence 21 East 20th st., near Broadway, this day, commencing at 10½ o'clock, viz., 7½ octave Rosewood Pianoforte, elegant Parlor and Bedroom Suits, Mirrors, Oil Paintings, lace Curtains, Bookcases, Wardrobes; spring hair Mattresses; Lounges, Closets, &c.; dining room, basement and kitchen Furniture.
HENRY ZINN, Auctioneer.

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Over $25,000 worth, 500 lots, magnificent Household Furniture at the first class private mansion 103 West Twenty-eighth street, one block from Broadway, near Sixth avenue, commencing at 10½ o'clock. Rich Parlor Suits, rosewood 7½ octave Pianoforte, cost $800; Mirrors, Curtains, Carpets, Paintings, Bronzes, rosewood and walnut Bedroom Suits, Mattresses, Bedding; Library, Dining Room and Basement Furniture; Glass, China, Silver Ware; 17 Carpets.
JULIUS KRAEMER, Auctioneer.

ADRIAN H. MULLER, AUCTIONEER.
Executor's sale
of House and Lot No. 71 Sullivan street, east side, between Broome and Spring streets, to be sold at auction on THURSDAY, January 21,
at 12 o'clock, at the Exchange Salesroom, No. 111 Broadway, by order of Owen Donohue, executor of Richard J. Owens, deceased.
Lot 25x100 feet. Maps of
ADRIAN H. MULLER & SON,
Auctioneers, No. 7 Pine street.

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By D. W. IVES & CO.,
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Furniture, Bedding and Fancy Goods.
THIS DAY at 11 o'clock.
Assignee's Stock of Parlor, Chamber, Dining Room and Hall Furniture of every description; also Bedding, Carpets, Engravings, Chromos, Fancy Goods, Pickles and Sauces. The Furniture in this sale is all handmade, of the best materials. Sale positive and peremptory.

ART.—SECOND DAY'S SALE OF AMERICAN AND Foreign Paintings, comprising the Gems of the Collection, including works by James M. Hart, Cornelius, David Johnson, Insley Ream, Richards, Fuschel, Van Elten, Silva, Bonnville, Cooper, Hicefer, De Berg, Pope, Shurtleff, Davidson, Falkner, Moran, Van Severdonk and others. Also Mr. G. Turin's beautiful marble bust of the "Goddess of Liberty," to be sold, without reserve,
THIS DAY, AT 12 O'CLOCK
AT THE GALLERY 47 AND 49 LIBERTY STREET, one door from Nassau. Catalogues now ready.
DANIEL A. MAHOWS, Auctioneer.

A.—