DISBECKER'S DOCTORS.

Three of Them Repudiate Henry's Whitewashing Report.

THOMAS, WALKER AND FETTER.

They More than Confirm the Herald's Exposures.

Founding a City on Dead Cats, Dead Dogs and Garbage.

DOCTORS IN THEIR OWN DEFENCE.

The meeting of the Board of Police yesterday was looked forward to by the people interested in the abatement of the garbage nuisance with great interest, as the announcement had been made that the Board would likely receive supplementary reports from all the police surgeons who, on the 29th May, sent to the Board a rose-colored report eulogistic of the material with which the Harlem flats is being filled in. It will be recollected that this report, which was made by a committee of six, consisting of N. H. Henry, Chief Surgeon, and Drs. E. Leroy Satterlee, Stephen G. Cook, Charles Phelps, Charles H. Wade and William Varian, was concurred in by the following surgeons, who signed it as concurring, without having made a personal inspection, viz.:—John H. Dorn, Kenneth McClellan, Hans Powell, George Steimert, P. M. McDonald, B. W. McLeod, W. H. Ensign, S. Waterman, F. M. Purroy, F. A. Thomas, Hamilton Walker and D. F. Fetter.

Dr. Fetter, having expressed to General Smith his disapproval of the conclusions arrived at, and having before a full Board, subsequently held, asserted that undue influences were used to secure the whitewashing report above referred to, a resolution was passed asking the entire Board of Surgeons to visit the scene of the nuisance and make separate written reports. When the Board were yesterday on the eve of adjourning Mr. Voorhis asked Chief Clerk Hawley if there were not some other communications to be presented. Mr. Hawley presented reports from two surgeons. It was then suggested that others must be in the building, and Mr. Hawley retired and secured ten additional reports, which were read in open session. As no reports were presented by Dr. Henry (who sat behind Clerk Hawley) and Surgeons McLeod, McLay, Wade, F. Waterman, Purroy and Varian, on motion the reports were laid on the table, the mover of the resolution (Mr. Voorhis) assigning as a reason that they would take them all up together and consider them. The following are the reports read:—

REPORT OF DR. F. A. THOMAS.

NEW YORK, June 8, 1875.

To the HONORABLE BOARD OF COMMISSIONERS OF THE POLICE DEPARTMENT OF THE CITY OF NEW YORK:—

GENTLEMEN—I avail myself of your invitation to express my views as to what, in my judgment, may be regarded a proper solution of the problem of adequately abating the nuisance known as the Harlem flats.

Reflection convinces me that the system so long in vogue and still being pursued by our municipal authorities for reclaiming sunken and marshy portions of the city is founded on unscientific principles, detrimental to health and not in harmony with sound rules of economy. No doubt this system is pursued with as little annoyance to the olfactories of the public as compatible with the system itself; but it is the same system which has left us as a legacy many unhealthy sections of our city, now densely populated and constantly requiring so much expensive attention by the Health Department. It may be urged, as has been done in this most recent case, that the bulk of the inhabitants of the sections referred to enjoy very generally good health. The same might be urged, and with more truthfulness, of the laborers in the rice swamps of the South or of the natives of the jungles of tropical Africa, which proved so fatal to the great explorer, Dr. Livingstone, when his unfailing antidote—quinine—became exhausted.

These flats, reaching from Ninety-second street to 110th street, originally extended in an irregular line as far west as Sixth avenue. The northeasterly section of the Central Park, once a portion of this marsh, was properly reclaimed by the simple method of filling it in with clear, pure loam and sand, and serves to-day as a model for dealing with the remainder where not already artificially covered with unwholesome street refuse. Like all low lands, occasionally overflowed by tide water, the flats during warm weather in their natural condition

EMIT EXCEEDINGLY UNPLEASANT ODORS.

As an instance I may point to the low lands extending about half a mile back from the junction of Eighth avenue with the Harlem River.

Some twenty-five years ago the grading of Second avenue bisected the Harlem flats, leaving two or three inadequate outlets for the ebb and flow of the quickly succeeding tides of Hell Gate. This caused the westerly portion of these flats to become much more subject to the accumulation of stagnant and filthy water—a condition which the subsequent grading of lateral streets tended greatly to augment. The offended nostrils of the whole neighborhood finally forced the public authorities to attempt a remedy, the execution of which during the past two or three years, attended as it appears to have been with the dumping of street refuse and, in many cases surreptitiously, of large masses of actual garbage, has brought about the present excitement. It seems to be indisputable that with the alternating winds a large area of the city within a radius of a mile and a half is afflicted with one of

THE MOST DETESTABLE OF ALL ODORS,

that arising from decomposing organic matter diluted with impure sea water. The stagnant water of a ship emits a familiar sample of this odor; another is that experienced on vessels at low tide laying near the outlets of street sewers.

That this wealthy metropolis should have allowed such a condition of things to exist for two years seems almost incomprehensible, especially when it is considered that all the leading routes of travel at the upper end of the city—the Sound steamers, the Second and Third avenue railroads, the New York Central and New Haven railroads, together with the northerly part of our beautiful Park itself—are more or less subjected to this offensive stench, which I have no hesitation in pronouncing an outrage on simple decency—one, too, from which there seems to be no prospect of relief in the immediate future; for when the obstructions at Hell Gate shall become removed next year this whole section of organic deposit will, no doubt, soon thereafter be subjected to upheaval by reason of the construction of docks and warerooms necessitated by the expected radical change in the channels of commerce. The experience of the past, when sunken portions of the city have been filled in with impure material—such as the old Lispenard meadows, the flats east of Tompkins square, the ponds of the Sixth ward on which the Tombs now stands and many other districts—should, in my judgment, serve as a warning to the authorities against further action of the kind.

THE FINEST AND HEALTHIEST SECTION OF BOSTON,

stands on land originally in the same condition as the Harlem flats. Her enterprising citizens, however, were too shrewd to fill in their low lands with the refuse of streets. A few years ago the banks of the River Thames, becoming exceedingly offensive by reason of foul odors, were transformed by the authorities of London, at an expense of several millions, from a pest bed into a beautiful pleasure garden. This was accomplished by a proper system of filling, the construction of massive embankments over the accumulated filth and a splendid system of deep sewerage. Even in decrepid Italy, around Rome itself, standing in the fever-stricken valley of the Tiber, enwrapt in the deadly miasma of the Campagna, so famous among sanitarians as the most unhealthy tract in temperate climes—even this country, in its more of financial difficulty, is actively moving to abate its great evil of lestering marshes. In view of

THE ENORMITY OF THE EVIL IN QUESTION,

I beg leave to suggest a simple remedy. Let the Board of Health exercise the extraordinary powers which they possess of dealing vigorously with public nuisances whenever the health of any portion of the city is seriously imperilled. The nuisance in question presents such a case. What, therefore, should be done? Let them procure a sufficient quantity of coal tar, or any other powerful disinfectant, and thoroughly saturate the entire area of these deposits of street refuse and garbage. Coal tar is a cheap substance, with which all our citizens are familiar from its ordinary use in the construction of wooden pavements. It is a strong, penetrating disinfectant and antiseptic. One barrel of this coal tar might be spread over every ten feet square of surface, which, in my opinion, would be sufficient to neutralize the underlying strata of impurity. This accomplished, then the whole surface of the flats should be covered with pure loam, sand or clay, to the depth of at least three feet above high tide. All this could be done, I think, within the period of a few weeks, if not days, and at a trifling expense compared to the beneficial results to be obtained.

What a strange anomaly that the people of our city should be prohibited, for sanitary reasons, from burying their dead under a cover of six feet of pure earth within the settled portion of the municipality, while at the same time they are permitted to deposit within its limits hundreds of acres of the accumulated filth of the streets with so slender a covering as to allow of the abundant escape of the most offensive effluvia! Respectfully submitted. FRANCIS A. THOMAS, M. D.,

Surgeon of Police, Sixteenth District.

DR. HAMILTON WALKER'S STARTLING DISCOVERIES.

Dr. Hamilton Walker, of the Tenth district, who signed the previous report on information of the committee, reports as follows:—

"In accordance with the resolution adopted by your honorable Board, and forwarded to me on the 6th inst., I have the honor to report that I did yesterday visit the Harlem flats and there made a careful examination of the material used for filling in the same.

On arriving at Ninety-ninth street I first proceeded down to the river, where I supposed I would have a good opportunity to see and examine the "filling material" as delivered from the scows, but to my great

DISSATISFACTION AND DISAPPOINTMENT

I was here informed that the scows had been stopped. This I did not credit, but after remaining on the ground for six hours I at last gave up watching for them in despair. The examination of the material on the scows was to me the most important feature of my intended errand, and when disappointed in this, I felt as though my chances for making a true and full report had vanished. I now, however, proceeded to examine into the character of the material which had been used for the accomplishment of the filling-in already completed.

My sense of smell first attracted me to the plot of ground included between Ninety-fourth and 102d streets and First and Second avenues. This has been filled with material which has so far advanced in decomposition as to prevent one's telling the exact character of the material used, but the horrible smell emanating therefrom led me to imagine what the component parts must be and also assured me that it was not the proper article with which to fill in any ground, and especially salt marsh.

This filling had been accomplished to within about two feet below high water mark, and has no fresh earth covering. The filling which has been used for the filling of Ninety-third street, from First to Second avenue, contains, in my opinion, from fifteen to

TWENTY PER CENT OF ORGANIC MATTER

(garbage of every description, hay, straw, manure, &c.) which has not as yet received any fresh earth covering. This material I also deem unfit for filling-in purposes. That filling, which has been used on the plot included between 106th and 107th streets and west of Fourth avenue, is certainly the worst I have seen; and I care not whether it be supplied by the Street Cleaning Bureau or from any other source, I hereby pronounce

SUCH FILLING AN OUTRAGE ON THE COMMUNITY.

I have been an inspector under the Board of Health, and, knowing what its instructions are in relation to the depositing of noxious matter in any place, and especially knowing how particular said Board is in relation to the bone boiling and fat rendering establishments, together with the manure dumps at the foot of Thirty-seventh and Thirty-eighth streets, North River, of which I had charge in 1873, and which establishments I consider not near as dangerous to life as is the deposit of such filth and rubbish as I know is deposited on the Harlem flats for the purpose of filling in—I say, knowing as I do all the above stated facts, I claim it is to me an indescribable wonder now such deposits are tolerated by said Board.

The percentage of organic matter in the last named locality must be, in my opinion, from twenty to twenty-five per cent. This

PERCENTAGE IS MADE UP OF

Apples,	Oranges,
Pea shells,	Carrots,
Turnips,	Potato peels,
Hay,	Straw,
Manure,	Dead dogs
Dead cats,	

and every imaginable article which we are in the habit of seeing in the ash barrels.

In conclusion I simply have to say that I believe that the material now used for the purpose of filling in the Harlem flats is not a fit filling to be used in any locality that is ever expected to be inhabited and used for dwellings. I care not whether it be three inches or three feet of earth which is put on the top of said filling; I care not whether it be disinfected with lime or dead oil, or not disinfected at all; I say that with time the result will be the same—namely, injurious to health and dangerous to life—and it only requires said time to prove my statement correct. Mr. President, the above is as true and unbiased a report as my limited experience in matters of this kind will permit me to make."

REPORT OF DR. D. P. FETTER.

"This day I have again been over the Harlem flats and examined the ground carefully, and feel fully satisfied with my former statement as to the quantity of organic matter and the filthy condition of the same. There were no scows at the docks to-day from ten o'clock A. M. to four o'clock P. M. Ninety-third street, from Second to First avenue, is made up entirely of material taken from the scows, and is twelve to fifteen feet above the flats. Any person wishing to see if my statement of twenty per cent is too high can satisfy themselves by examining the filling. Those who reside in the neighborhood denounce the material being used as unhealthy and the cause of the depreciation of their property. I inclose a petition of some of the residents of that locality. Respectfully, D. F. FETTER, M. D."

The following reports were from gentlemen who either participated in the rose-colored report or concurred. Those marked with a star (*) it seems have not visited the scene of the nuisance, and, therefore, only speak from hearsay:—

DR. STEINERT'S REPORT.

Dr. George Steinert reports:—"I have practised in Harlem for the last ten years, and I know that the district above referred to is at present in as healthy condition as it was previous to the filling in. During my investigation yesterday I called on several families living in the swamp, and they one and all declared that they had nothing to complain of; that they enjoyed good health, and, by their looks, I judge good appetites also."

*DR. DORN'S REPORT. (?)

This gentleman did not make an inspection, as requested. He, however, refers to the document he signed, and reiterates his belief in the professional ability of those of his associates who made the report and the correctness of their conclusions.

DR. PHELPS STANDS BY HIS RECORD.

Dr. Charles Phelps did not inspect the grounds a second time, but he reports that he believes all that is necessary is the placing of three feet of earth over the filling in, and he has nothing further to suggest.

DR. ENSIGN HAS NOTHING MORE TO SAY.

William H. Ensign failed to make an inspection, as requested, but writes that he has nothing further to say than is contained in the report of the Committee of Six.

DR. P. W. M'DONALD'S STATEMENT.

This gentleman, who is the oldest member of the Board in point of service rendered, writes that he has made no personal examination of the flats, but signed the report on the information submitted at a meeting of the Board of Surgeons and on the report of a committee of honorable physicians.

DR. POWELL'S EXCUSE.

Dr. Hans Powell, of the Fourth district, like Dr. McDonald, admits that he has never visited the flats, nor is he familiar with the material used for filling in; yet he concurred in the report on the information furnished by the committee to the Board of Surgeons.

DR. COOK'S POSITION DEFINED.

This gentleman, after carefully re-reading the report of the Committee of Six, renews his indorsement of that report, believing it to be as accurate and elaborate as the circumstances under which it was made would permit of.

DR. MACLENNAN REAFFIRMS.

This gentleman writes that the report had his approval in every particular, and he is unable to express himself more fully on the matter. He has not visited the flats.

DR. SATTERLEE WON'T REINSPECT.

This surgeon writes that, as a member of the Special Committee, he made a report May 29, which he deemed to be complete and true, to which he appended his signature. He has, therefore, no further report to make.

THE CITIZENS' PROTEST.

Dr. Thomas accompanied his report (given above) with a petition signed by nearly one hundred and fifty property owners and citizens of the adjacent streets, who say:—

We protest against the manner in which the Harlem flats are being filled in. The stench is so great, especially between the hours of six and ten P. M., that a great many people are complaining of much sickness in their families, and many of the tenants are leaving (for no other reason), and in so doing it has caused a great deal of damage to the business of this vicinity; and we do protest, in the name of the people of the city and county of New York, against the way in which the said work is now being done.

OPINIONS OF THE HEALTH OFFICERS.

A HERALD reporter yesterday morning waited upon the individual members of the Health Board to obtain their views on the Harlem flats post. Dr. Jayne, the first Commissioner spoken to, cordially expressed his opinion in the following conversation:—

REPORTER—Doctor, have you personally inspected the Halem flats?

Commissioner JAYNE—Yes, I have carefully gone over the grounds and purpose making a report with regard to the same at the meeting this afternoon.

REPORTER—From what you saw there what is your opinion as to its sanitary condition? Are the fillings deleterious to health?

Commissioner JAYNE—I should so consider them.

REPORTER—Do you understand your Board to have the power to compel the abatement of the nuisance in such manner as the Commissioners direct?

Commissioner JAYNE—I think we have the power not only to direct the abatement of the nuisance, but to specify what form such abatement shall take.

REPORTER—What do you consider the best remedy for the evil?

Commissioner JAYNE—A layer of pure earth, in my opinion, would best answer the purpose.

REPORTER—Has your Board, then, the power to compel Jones & McGade, Mills & Ambrose and other contractors to abate the nuisance they have created by covering the portions of the flats which have been filled by them with layers of fresh earth?

Commissioner JAYNE—I regard our jurisdiction as extending thus far, if we could ascertain officially who the contractors were; but I would prefer not discussing this point until after the meeting of the Board, as probably some action will be taken there that will meet the difficulty.

Commissioner Vanderpool was next waited upon. He said:—"I have not personally gone over the Harlem flats, but I have carefully read the evidence in the newspapers in regard to the same, from which I infer a nuisance that should be abated exists there. I consider pure earth the best disinfectant, and I think the contractors or the Board of Public Works, or whoever is responsible for the fillings, should use the same without delay."

REPORTER—Do you regard your jurisdiction in the premises as extending far enough to direct the contractors or the Board of Public Works to thus disinfect?

Commissioner VANDERPOOL—I think the Board of Health has this power. I believe the matter will be brought up at the meeting of the Board this afternoon.

The President of the Board, Professor Chandler, when approached, was very uncommunicative. "I do not think the Board of Health," he said, in reply to a question, "has the power to compel the owner of land to have anything done to his property that he does not desire."

REPORTER—But suppose a nuisance exists, has not your Board the power to compel its abatement, especially if the same is highly detrimental to the public health?

Mr. CHANDLER—I do not care to argue the question or to say anything, except over my own handwriting.

Whereupon the Professor hurried away.

ACTION OF THE BOARD OF HEALTH.

The universal outcry against the pestilential fillings of the Harlem flats has at last forced the Board of Health to action, as will be seen by the following resolutions adopted at their meeting yesterday:—

Whereas the district of the city between 91st and 109th streets, Fifth avenue and the East River, is and has been for several years in a condition dangerous to life and detrimental to the public health, as appears from the records of this department; and whereas this condition is due to the fact that, in reclaiming the tidal land by filling, the surface has not been brought to a proper and uniform level, considerable areas have not been covered at all, and are consequently occupied by large pools of stagnant water, into one of which a sewer empties its contents, while other areas, often including many blocks, are so low as to be constantly saturated with water and offensive; and

Whereas no effective system of drainage has been adopted in this district, to take the place of the old water courses, which have been completely obstructed; and

Whereas the only remedies which are available to correct the dangerous condition of this district are filling and draining; therefore

Resolved, That the Department of Public Works be and is hereby respectfully requested to complete as speedily as possible, the extension of Lexington avenue, Madison avenue, First avenue and the intersecting cross streets, to cause the stagnant pools to be filled, to put at least two feet of good earth upon the surface of the district between 91st and 109th streets east of Third avenue, and to establish a comprehensive system of drainage, independent of and in addition to the sewers, all in accordance with the certificates requiring the drainage of such portion of the city by and under the direction of said department, heretofore made and presented in the year 1873 and again in May last by this Board, under and in pursuance of the provisions of chapter 766 of the Laws of 1871.

Resolved, That in the opinion of this Board there is no material save fresh earth better adapted for filling these sunken areas than clean coal ashes, and that the Board of Police be respectfully requested to collect these ashes free from garbage and street-sweepings and send the same to this district.

Resolved, That the Sanitary Superintendent be and is hereby directed to cause all the stagnant pools and sunken areas to be thoroughly disinfected, and to repeat such disinfection as often as may be necessary, and that he be also directed to inspect the privies of the houses on the east side of Third avenue, between 106th and 108th streets, cause them to be cleaned and disinfected, and, if necessary, to take the proper steps to cause said houses to be vacated, and that he be directed to place an inspector in the district, with orders to prevent the dumping of any material save fresh earth and clean ashes.

Resolved, That the President and Chairman of the Sanitary Commission be requested to confer with the Mayor and the Commissioner of Public Works upon the importance of immediate action for the relief and improvement of this district.

A CLERGYMAN'S LETTER.

Father Flattery has sent the following letter to the Taxpayers and Citizens' Association of Harlem, an organization which has spared no effort to have the dumping nuisance abated:—

NEW YORK, June 8, 1875.

To the Chairman of the Taxpayers and Citizens' Association:—

DEAR SIR—I learn with great pleasure of your zealous efforts to have the Harlem flats filled with pure earth. I hear testimony that the noxious and poisonous effluvia constantly ascending from the decayed organic matter dumped here is highly injurious to the health and life of the inhabitants. I have myself been sick through these malarial influences. My servant girl has more than once been compelled to leave me, and her physician tells a similar tale. The congregation on Sundays find the stench intolerable, and we are compelled to close the windows and exclude ventilation. Whole blocks of houses in this vicinity remain untenanted, and many that were rented are now empty. These and other considerations make it a matter of pleasure to me that you are using your best efforts with the Board of Health to have those flats once for all covered over with some few feet of pure earth. I wish you every success in your praiseworthy labors. Yours, faithfully, H. FLATTERY.

A PETITION FROM YORKVILLE.

A petition from citizens of Yorkville, containing several hundred names, praying for immediate relief from the intolerable nuisance existing on the Harlem flats, was presented at the meeting of the Police Board yesterday. The petition set forth in emphatic language the danger to health occasioned by the noxious effluvia from the filled flats and earnestly protested against further inactivity on the part of the Police Department. Among the signers were many large property holders and persons of high social standing. The petition, on motion of Commissioner Smith, was placed on file.

BOTH, MY FRIEND.

FIFTH AVENUE, June 5, 1875.

TO THE EDITOR OF THE HERALD:—

Since my arrival in New York I have frequently observed in the newspapers articles headed "Harlem flats." Who are they? The Commissioners of Police or the functionaries of the Street Cleaning Bureau? I am, sir, yours faithfully, INQUIRING STRANGER.

A FILTHY STREET.

NEW YORK, June 5, 1875.

TO THE EDITOR OF THE HERALD:—

I think it a duty to let the city authorities know the shameful condition of Forty-third street, between First and Second avenues. Not alone the street is not paved, but it is covered with the filthiest kind of mud, garbage, dead cats, dogs, &c., and it would be a great benefit and relief for all the residents on said block if the street should be paved this summer, as its present condition threatens to induce disease. H. G.

MUNICIPAL NOTES.

Mayor Wickham was at his office until three o'clock yesterday afternoon. He was called upon during the day by Dock Commissioner Wales, Smith M. Weed and several others. A delegation of laborers stood modestly in line outside the office door while the "swallow-tail" statesmen passed by triumphantly.

Among the distinguished lights of the late Ring seen about the City Hall yesterday were the informers, James H. Ingersoll and Andrew J. Garvey.

The Aldermanic-Disbecker Investigating Committee, consisting of Messrs. Gantzer, Lysaght and Simonson, will not meet again until Friday next. They propose engaging counsel before the next session. Commissioner Disbecker has employed Mr. J. H. Strahan to look after his interests.

The organization of a new city democratic party is talked of among our local politicians. Alleged cause—Mismanagement, thorough incapacity and despotism in Tammany Hall. It is proposed to adopt the County Committee system, whereby the people will have something to say, instead of the ward primary farce, which is denounced as really the foundation of all our political corruption.

BROOKLYN COURTS.

THE WILLIAMSBURG WIFE MURDER—PATRICK WALLACE CONVICTED OF MURDER IN THE SECOND DEGREE.

Judge McCue, in Part 1 of the Brooklyn City Court, yesterday charged the jury in the case of the People vs. Patrick Wallace, for the alleged murder of his wife Margaret on the night of December 28, 1874, at No. 79 North Fifth street. As the Judge was defining the law points bearing on the case the counsel for the prisoner said he would take an exception to every sentence and every word of the charge. Judge McCue, continuing his charge, said that this was a crime alleged by the prosecution to have been committed under such circumstances as would justify them in finding the prisoner guilty of murder in the first or second degree. After defining the different degrees of murder and homicide the Court said the facts in the case were very simple. It was fully established that the woman died from violence. If they agreed with the testimony of Dr. Creamer, she was killed by the broken ribs entering the lung. Upon the question of who caused her death there was some conflict of opinion, and the jury would have to decide it upon the evidence. He referred to the prevalence of the crime of wife murder, briefly reviewed the evidence, and closed by reminding the jury of the great responsibility resting upon them. The jury then retired, and after deliberating for an hour and a half returned with a verdict of murder in the second degree. Wallace was then removed to jail till next Monday, when he will be sentenced to State Prison for life.

THE COURTS.

The Grand Jury Considering the "Ring" Operations.

Trial of Philip Olwell for the Murder of James Orr.

COSTS OF THE KINGSBRIDGE OPENING.

The Grand Jury are considering further the operations of the old Ring, and it is very probable additional indictments will be found against other implicated parties. James H. Ingersoll, Andrew Garvey and Henry F. Taintor, the latter an examiner in the Finance Department, were before the Grand Jury yesterday.

In the United States District Court, in the case of Emile H. Muldaur, a bankrupt, Judge Blatchford decided that general order No. 74 means that if a creditor objects to have his claim expunged or diminished the register is not at liberty to order it to be expunged or diminished, but that he must require the parties to form an issue, which issue is to be certified to the Court for determination.

In Supreme Court, General Term, yesterday, before Judge Donohue, a motion was made by Samuel C. Mount, attorney for plaintiff, to bring to trial the case of Samuel L. Tredwell vs. Ralph M. Pomeroy, Effingham H. Nichols and others, defendants, for an accounting in the Central Branch Union Pacific Railroad. Judge Donohue decided that the case must be placed on the calendar for trial to-morrow or the defendants show cause why the same should not be tried. There has been a great variety of motions made in this case during the past two years, and it looks now very much as though it might be brought to a speedy trial, as it is believed the defendants have exhausted every pretext for further delay.

The suit brought by the New York Guaranty and Indemnity Company against Andrew Roberts, Valentine Gleason and others, to recover some $75,000 loaned on forged bonds of the Buffalo, New York and Erie Railway Company, was on the calendar for trial yesterday in the Supreme Court, before Chief Justice Monell. On the case being called the plaintiff's counsel, Messrs. William Wirt Hewett and Richard C. Elliott, said they were ready to proceed with the trial, and a similar statement was made by Mr. A. H. Purdy, counsel for the defendants. After some discussion, however, between the counsel and the Court, and it being conceded on both sides that owing to the shortness of the term it would be impossible to finish the trial this term, the trial was finally put off till the October term.

THE SHANTY MURDER.

On the evening of the 20th of February last James Orr called at the shanty of Philip Olwell, on the rocks, between Seventy-eighth and Seventy-ninth streets, near Fourth avenue. They drank whiskey freely, and, as generally follows, got into a fight. On the succeeding morning Olwell delivered himself up to a police officer, stating, as the latter testified before the Coroner, "I have killed a man; I wish to give myself up, and I suppose I shall be hanged for it." On visiting the shanty the scene that presented itself to the eyes of the police developed a terrible tragedy. Orr was lying on a bed covered with blood. A bloody hatchet lay on the floor. Everything was in the direst confusion, indicating a prolonged and desperate struggle for life. At the Coroner's inquest Olwell was found guilty, and was subsequently indicted by the Grand Jury for murder in the first degree. He was placed on trial yesterday, before Judge Davis and a jury, in the Court of Oyer and Terminer. The prisoner, who is by no means an ill-looking man, though evidently quite nervous, sat by Mr. William F. Howe, his counsel, the prosecution being conducted by Assistant District Attorney Rollins. Some time was occupied in getting a juror, large numbers objecting to the death penalty, which possibly, in many cases, may have been a pretext to avoid serving. Among those called to serve was a gentleman named Samuel Sulky.

"I am sure he is a dissentient juror," remarked Mr. Rollins.

"I challenge him for the prisoner," said Mr. Howe, "as Mr. Sulky is a prominent character in the Road to Ruin."

"Have we any other objection?" queried the Assistant District Attorney.

"I think the road to ruin presents ground enough," quickly answered Mr. Howe, which evoked general laughter, and Mr. Sulky was withdrawn.

Upon the completion of the jury Mr. Rollins briefly opened the case and then called the witnesses for the prosecution. They told the story pretty much as given above. Then followed the medical testimony, given by Dr. Marsh who made the post-mortem examination. He testified that death was caused from exhaustion superinduced by the injuries received.

After opening for the defence Mr. Howe called the prisoner. He testified that he served three years in the army during the war and for four years was employed as porter in the Fifth Avenue Hotel; as to the murder with which he is charged, he said that the deceased, having become crazy drunk, seized a hatchet and attempted to strike him with it; then he struck him with a chair, in self-defence, knocking him down; he admitted kicking him when he was down, but denied striking him with the hatchet. He was submitted to a lengthy and rigorous cross-examination, after which the Court adjourned till this morning, when the trial will be resumed.

FEEDING THE PARK ANIMALS.

Charles A. Lewis sold fish to the Department of Public Parks, for the feeding of animals in the Park. He thought he had a good thing until he applied for his pay. The Comptroller apparently regarded his application as rather "fishy," and refused to pay him the amount of his bill. He brought suit against the city for the amount, and the case came to trial yesterday, before Judge Westbrook, holding Supreme Court, Circuit. The defence was that the appropriation was exhausted, but in view of testimony having been given showing that at the time the bill accrued there was money in the treasury to meet it, appropriated for that purpose, Judge Westbrook seemed the defence rather attenuated, and directed a verdict for $605 05, being the full amount claimed, with interest.

THE KINGSBRIDGE ROAD OPENING.

Henry Parsons and John T. McGowan brought suit against the city for their costs as Commissioners for opening the Kingsbridge road. These costs had been duly taxed and included in their report, which has been duly confirmed. At the trial of the case before Judge Westbrook, holding Supreme Court, Circuit, the defence put in by the city was that the costs were in excess of those allowed by law, the allowance by statute being thirty cents per foot and certain moderate disbursements. Judge Westbrook overruled the defence, and a verdict was directed for the plaintiff for $91,336 86, the Court holding that, under the decision in the Putman case, the costs having been duly taxed and included in the report duly confirmed, the objection came too late.

MARINE COURT—PART 1.

Before Judge Alker.

EFFECT OF AN ARCHITECT'S CERTIFICATE.

Ross vs. Finan.—The plaintiff, a builder, entered into a written contract with the defendant, who is the janitor of the *Times* building, to erect for him a tenement house in this city. By the terms of the instrument the payments were to be made from time to time upon the architect's certificate, which was to be binding upon both parties. Upon the completion of the house some $800 remained of the contract price, which defendant refused to pay, claiming that the work was improperly done and that he had suffered damage by reason of delay, and this action was brought to recover that balance.

Plaintiff's counsel put in evidence the contract and a certificate of the architect that the work was completed according to the terms of the contract. Defendant's counsel then proposed to cross-examine the plaintiff as to the manner in which the work was done, to which objection was made, on the ground that no evidence could be given going behind the certificate, and the Court sustained the objection. Defendant's counsel then proposed to inquire as to the circumstances under which the certificate was given, which was also objected to and excluded. The court, however, permitted the defendant, upon terms, to amend his answer by alleging fraud or mistake in the giving of the certificate, and set the case down for trial on the 15th.

For plaintiff, Winfield & Leeds; for defendant, S. G. Courtney.

MARINE COURT—PART 4.

Before Judge McAdam.

INTERESTING STOLEN BANK BOOK CASE.

Lena Fischer vs. The Dry Dock Savings Bank.—It appeared from the evidence for the plaintiff that she had an account with the Dry Dock Savings Bank, in which institution she made deposits from time to time for the last five years, and occasionally made drafts personally at the bank. On leaving her boarding house her trunk was stolen, and with it disappeared her bank book, in which was a balance to her account of some $450. The plaintiff immediately notified the bank, but in the meantime two drafts had been made on that institution, and respectively for the sums of $25 and $40, and to recover this amount action was brought. The evidence for the defence went to show that a person answering to the description of the plaintiff appeared at the bank, presented plaintiff's book and drew the above amounts, and the signature to each of the drafts had a close resemblance to the plaintiff's; and some of the officers of the bank testified as to the plaintiff being the party who presented the book and drew the amount; yet they may be mistaken. Judge McAdam charged the jury that if they came to the conclusion that the plaintiff signed or authorized anybody else to sign her name to the drafts she could only recover the amount, less $65; but if they believed she had no knowledge of who signed the drafts they should give a verdict for the full amount. The jury found for the plaintiff for the full amount claimed, $540.

DECISIONS.

SUPREME COURT—CHAMBERS.

By Judge Brady.

Cathune vs. Bronson; Bernheru vs. Wilmerding; The Nassau Bank vs. The Pittston and Elmira Coal Company; Burlingame vs. Wattles; Roese vs. Pollenz; Nassau Bank vs. Williams Mower and Reaper Company; Ferris vs. Clark; Wilson vs. Wilson; Bloco vs. Steinbarot; Packer vs. Smith; Sandford vs. Wheeler; Griswold vs. Prankard; Weetsen vs. St. Paul and Pacific Railroad Company et al.; Meyer vs. Borrell; Burlingham vs. Wattles; Germania Bank vs. Tremain; Frank vs. Farrell; Jones vs. Schuzes; Millet vs. Roach; Wagenen vs. Hurd; Whitehouse vs. Fowler; Nassau Bank vs. Williams Mower and Reaper Company; Noonan vs. Swift; Green vs. Dwyght; Ehrich vs. Ehrich; Bell vs. Fuitel; Packer vs. Smith; Lawton vs. Kinney; August vs. Lowenberg; Stadtmiller vs. Johnson; Cone vs. Foster; Malloy vs. Connell; Hielwin vs. Halle; Edwards vs. Dayton; McGloughlin vs. Hill; Reed vs. Genet; Kennelly vs. Archer; Allen vs. Warren; Schelby vs. Diehl; Spanley vs. Burtis; Richter vs. Prosch; Yvelin vs. Simara; Doremus vs. Williams; Gorg vs. Cocks; Simon vs. Heyman; Wilson vs. Warrall; Carrol vs. Carroll; Levy vs. Band in Hand Society; First National Bank of Lebanon vs. Cummings; Same vs. McLaughlin; Same vs. Gildersleeve; Neil vs. Neil; Buckwell vs. Priggen; Carrol vs. Carroll; Ingersoll vs. Hervey; Gerroy vs. Miller; Stole vs. The Mayor, &c.; O'Connell vs. O'Connell; Fitzgerald vs. Gayton; Montelis vs. Thompson No. 2; Warren vs. Dike; Jenkins vs. Driggs; Lodi Chemical Works vs. Gilbert; Fisk vs. Bird; Ric ard vs. Grogan; Romor Moseman vs. Meehan; Holdane vs. Mittnacht; Headding vs. Barretto; Connor vs. Myer; Koehler vs. Handibode; Durant vs. Campbell; Sheridan vs. McCarthy; Herzberg vs. Coffey; Baker vs. Obarnolser; National Fire Insurance Company vs. Barry; Buler vs. Wenle; Potter vs. Vouch; McTeague vs. McTeague; Scott vs. Lexter; Jenkins vs. Driggs; Augenri d vs. Lifchild; Sonn vs. McCormack; New York Life Insurance Company vs. Orth; Macomber vs. Platt; Hendricks vs. Tullock; Bloomingdale vs. Van Denberg; Ward vs. Ward; Hausell vs. Gerst; Gross vs. Rosenberg; Develin vs. Schedel; Heckman vs. Tuttle; Whiteaker vs. Isham; Harman vs. Dusenbury; Scneiley vs. Diehl; National Fire Insurance Company vs. Barry; Millet et al. vs. Colgan; Seibert vs. Kalbfleisch; Nassau Bank vs. Pittston and Elmira Coal Company; The National Shoe and Leather Bank vs. Jessup; Kahn vs. Lunrman; Gottshe vs. Sherman; Higgins vs. Murray; Colwell vs. Dye; Meyer vs. Cohen.—Granted.

Grissier et al. vs. Browning.—This application is granted, subject, however, to be defeated by the service of an amended answer in good faith and not for delay.

Courtney vs. New York, West Shore and C. Railroad Company; Woodruff vs. Caldwell.—Memorandums.

Whiteker vs. Isham; Packer vs. Kelly, Sheriff, &c.; Hoffman vs. Lynch; Easleson vs. Hunagle; Van Wagener vs. Hoyde; Ninth Ward Bank vs. Shaw; Van Wagener vs. Hurd; Inlsing vs. Randall; Skinner vs. Finck; Quackenbos vs. Habrich; Jones vs. Scourz; Fakin vs. Kinder; Grissier vs. Browning; Greer vs. Norton; Peake vs. Stormes; Boudell vs. Same; Irwin vs. Libby; Richter vs. Prosch; Gould vs. Babcock; Van Pelt vs. Jacks; Wilson vs. Warrell; Pendleton vs. Cooke; Sixth National Bank vs. Thurston; Dorflinger vs. Walton.—Orders granted.

Eisner vs. Hanll.—Motion denied, without costs.

Gantier vs. The Douglas Manufacturing Company.—Opinion.

Blercher vs. Carman.—Order granted, dismissing motion.

Andrews vs. Boorman.—I doubt very much whether this case can be tried in an hour, but give the plaintiff the benefit of the doubt and set case down for third Friday.

Helfenstein vs. Ferguson.—Order granted, denying motion.

By Judge Donohue.

Thomas vs. Townsend.—Order granted.

Duncan vs. De Witt.—Motion denied. Memorandum.

By Judge Lawrence.

Levy vs. The Metropolitan Insurance Company; Same vs. Greenwich Insurance Company; Same vs. state Insurance Company, Mississippi; in the matter of Williams.—Granted.

Clark vs. McCormack.—Bond approved.

Platt vs. Stuart.—I think that this motion should be denied on the ground of laches.

In the matter of Lathrop.—Rule 39 seems to me to apply to this case, and I cannot, therefore, confirm the report until the time prescribed by that rule has elapsed.

Parmly vs. Ward.—I do not understand why this action was necessary, and shall not confirm the report until I am satisfied upon that point.

SUPREME COURT—SPECIAL TERM.

By Judge Donohue.

Youngs vs. Carter et al.—Motion denied.

SUPERIOR COURT—SPECIAL TERM.

By Judge Speir.

Scheiva vs. Freund et al.—Motion for reference denied until the issue is decided.

Quackenbos vs. West.—Order granted, and settled on motion.

By Judge Monell.

Hamilton vs. The Third Avenue Railroad Company.—Settled. Upon presentation of an engrossed or printed copy it will be ordered on file.

COMMON PLEAS—SPECIAL TERM.

By Judge J. F. Daly.

Sheehy vs. Tomlinson.—Order settled.

Webber vs. The Mayor, &c.—Motion denied; no costs. See opinion.

Thurston vs. Loewel.—Motion denied, with costs of reference and $10 costs of motion.

TO THE BAR.—All orders and motions returnable in Chambers on June 9 will stand over until Thursday, June 10, at the same hour. Ex parte applications will be granted from ten to eleven o'clock on the 9th (Wednesday). By order of the Court. N. JARVIS, Jr., Clerk.

COURT OF GENERAL SESSIONS.

Before Recorder Hackett.

A JUVENILE THIEF.

In the Court of General Sessions, before Recorder Hackett, yesterday, Charles Reiger, a little boy, was tried and convicted of petit larceny