THE COURTS.

Suits for Damages for Personal Injuries.

Getting a Verdict One Thing and Getting the Money Another.

TAXATION OF SAVINGS BANKS.

A Wide Awake Litigation Between Rival Sleeping Car Companies.

The St. Andrew's Church Calamity in the Courts.

Some days the Courts are overwhelmed with suits against the city, and then, again, the rush is on railroad litigations, or suits on contract, or embodying some other special feature. The State Courts yesterday were mainly occupied in what may be designated as accident cases. Foremost in importance, at least in the amount sought to be recovered, was a suit brought by Letitia A. Clark against Dillon, Clyde & Co., contractors, for excavating a portion of the Fourth avenue track, otherwise known as the Fourth avenue improvement. She has brought suit against the contractors named for $50,000 damages for injuries claimed to have been sustained through falling over the embankment at the corner of Fourth avenue and Sixty-third street, on June 20, 1873. Her story is that on the evening of the day mentioned she attempted to cross Fourth avenue at Sixty-third street, and there being no protection or guard to the excavation, or lights or other signals indicating any danger in crossing, that she fell into the excavation, sustaining severe and permanent injuries, she being *enceinte* at the time. The case came to trial yesterday before Judge Van Brunt in the Court of Common Pleas, Mr. William F. Howe appearing for the plaintiff and Mr. Alexander Thain for the defendants. It is set for the defence that there was a high embankment of dirt on the edge of the excavation, giving warning against too near approach to the edge; that there was a sufficient light from the street lamps to show the excavation, and, further, that there was a watchman stationed at the place, who warned the defendant of the danger of crossing the street, to which she paid no attention. The trial is likely to occupy two or three days.

Next in the order of suits for damages was one brought by Charles W. Havemeyer, son of the late Mayor Havemeyer, against Valentine & Butler, the safe manufacturers. He has brought his suit in the Superior Court and the case came to trial yesterday before Chief Justice Monell. According to his statement, on the evening of January 26, 1874, the defendants, who were elevating a safe into one of the rooms in the Masonic Temple, at the corner of Twenty-third street and Sixth avenue, had a rope attached to the hoisting apparatus extending over the pavement, a few feet above it. Walking through the street at a hurried pace, and, not seeing the rope, he ran against it, the rope coming in contact with his head, across the eyes, and the force of the concussion throwing him backward, causing him to strike his head on the pavement, which superinduced brain fever and other injuries, which he alleges to be permanent. He has brought suit for $25,000 damages. The defence charges the accident to his own carelessness. The plaintiff is represented by Luther R. Marsh and James R. Adams, and the defendant by Mr. William A. Gallahar. This trial will also probably occupy a day or two before it is concluded.

A third accident suit which has been on trial for the last two days before Judge Sedgwick, of the Superior Court, was concluded yesterday. This was a suit brought by Lesley E. Weston against the Elevated Railroad Company. The plaintiff on the 3d day of February, 1873, took defendant's cars at the Battery station at about five o'clock P. M. The platform was covered with snow, and, by being trodden, became slippery. The plaintiff upon going to the cars on the platform, and being pushed with the crowd, slipped and dislocated his right knee, and was laid up and disabled for nearly two years, during which time he was under the constant care of his physician. He brought suit for $25,000 damages. The jury found a verdict for $9,000 for the plaintiff. Messrs. Royal S. Crane and I. J. Williams appeared for the plaintiff, and Messrs. Tracy, Olmstead & Tracy for defendant.

The trial of the suit brought by Patrick Kenny, as administrator of his brother, Charles Kenny, against the Long Island Railroad for $5,000 damages on account of the killing of the latter, the facts of which have been published in the HERALD, was continued yesterday before Judge Larremore, holding Supreme Court, Circuit. The trial will probably be finished to-day.

THE TROUBLES OF AN HEIRESS.

The story of Mrs. Virginia C. Burke, daughter of the late Captain John Alexander, around whose death there was claimed to be some mystery and about whose fortune there is still litigation, is already quite familiar to the readers of the HERALD. During the month of February, after a six years' struggle, Mrs. Burke obtained a verdict against the Gardners, in whose house her uncle died, for $61,000 and over, that being the amount of bonds which, it was claimed, Captain Alexander had on his person at his death, and of which it was asserted the Gardner family had got possession. After the suit against the Gardners had been commenced bonds to the value of over $8,000 and cash amounting to about $5,000 was deposited in the Union Trust Company by mutual consent of parties, and as to this sum of money and bonds the jury found as part of their verdict that they belonged to Captain Alexander in his life time. On the 3d of March last A. H. Dawson, who had been counsel for Mrs. Burke on the trial, went to the Union Trust Company, and, with the consent of Mr. Wheeler H. Peckham, the attorney for the company, drew therefrom all the cash and bonds, of which he delivered to Mrs. Burke bonds of the nominal value of $5,000 (but which she claims to be worth but $3,600) and retained the balance, amounting to $6,507 16, as a part of his counsel fee. Mrs. Burke, who was willing to allow him $1,000 out of the amount, took proceedings to compel him to pay over the balance, and enjoined him from parting therewith until the termination. In the testimony taken yesterday before Mr. Nelson Smith, as referee, Mrs. Burke stated that Dawson had agreed to take the case for nothing, and had solicited it on those terms, saying he wanted to make reputation out of it; that most of the work had been done by other attorneys before he came into the case, and his real work in relation thereto was little more than trying it during a period of eleven days; that she did not consider the money and bonds in the trust company as practically in issue in the suit, and had given instructions to the company to deliver them to no one but her; that she never authorized Dawson to draw them, and she thinks it hard now, after six years' fight against other parties to get this money, she must begin another fight to get it out of the hands of her lawyer; but although she did not consider this sum in issue in the suit tried by Dawson, she was willing to give him $1,000 out of it.

Dawson, in his own behalf, as to his services, testified that he went into Jersey five or six times; corresponded with Judges of the Courts here, including Van Brunt, Loew and Robinson, as to granting an order of arrest; then the trial, which occupied three weeks, important questions of law argued, &c.; on the 12th of December, 1871, he became plaintiff's attorney and counsel; was introduced to Mrs. Burke by Mr. Elder, who said Mrs. Burke wished him as counsel to try her cause; he took her case, agreeing to charge no fee if not successful in the trial; he found he had to serve papers on six different attorneys; he took out commissions to take the testimony of six or seven parties in New Jersey; this occupied six or seven days, but he found the testimony unimportant; his client expressed a desire to have the defendants arrested, and for this purpose he prepared nineteen affidavits; he has no doubt Captain Alexander was poisoned, and died with $60,000 worth of bonds on his person; a motion was made and granted to advance the cause on the calendar in 1872; he wrote a letter of eight pages to Judge Van Brunt, in order to induce him to grant an order of arrest, but it was refused; he then applied for the same purpose to Judge Loew, submitting as the basis of the order his nineteen affidavits, but the papers were returned to him with the information that he (Judge Loew) was not sitting in Chambers; a similar application, made to Judge Robinson, was refused; on the trial he had to resist a motion to dismiss on the part of some of the defendants; there were about thirty witnesses examined, some of them occupying the stand about five hours.

At this point ex-Attorney General Chatfield said he made no question on the part of his client, Mrs. Burke, as to the manner in which the case was tried.

Mr. Dawson (continuing) said:—On the verdict a judgment was entered for over $61,000 in favor of plaintiff; he drew from the Union Trust Company $4,280 70; in addition to this Wheeler H. Peckham got $500 of the money in the company's hands; he also got bonds of different kinds amounting to $8,000, of which he delivered to plaintiff five bonds of the denomination of $1,000 each; the plaintiff is mistaken in having said he urged her to let him take her case.

In answer to a question by the referee as to whether he (Dawson) had made up a statement as to the amount of a claim, he said no, but if he goes out of the case now he regards $15,000 as a reasonable charge for his services up to this time; he told plaintiff that if he remained in the case he would leave to any respectable lawyer whom she might name what should be the amount of his fees, but if he went out of the case his fee would be increased.

On cross-examination Mr. Dawson stated that he did not believe he solicited Mr. Rogers, the former attorney of Mrs. Burke, to let him have the case, saying he (Dawson) intended to do it for nothing; Mrs. Burke paid all the witness' fees; did not tell Mr. Munson that he was doing Mrs. Burke's business free of charge; he believes about $10,000 of Virginia bonds will be recovered; there is about $1,600 of the money in bank and he has a $1,000 bond; he thinks, being the attorney of Mrs. Burke, he had a right to draw the money from the Trust Company; he received the order from Mr. Peckham, to the company of which he was attorney, to deliver the money and bonds; the balance of the money and proceeds of the bonds he has spent, and on that on hand Mrs. Burke has placed an injunction.

The further hearing was adjourned to Thursday next.

THE GERMAN SAVINGS BANK TAXES.

The government has instituted an action against the German Savings Bank of this city to recover taxes amounting to $30,000, claimed to be due by that institution. The period covered by the alleged evasion of the tax now claimed is from January 1, 1866, till December 31, 1870. This time the bank held in their possession certain undistributed sums, and certain sums made or added during the several years to the surplus or contingent funds of the said savings bank to the amount of over $300,000 apportioned for each year, and on the sum for each year the defendants became subject to and liable to pay a tax of five per cent, making the aggregate tax of $15,000. For the non-payment of this tax it is alleged that the defendants became liable to a penalty of five per cent, together with interest thereon at the rate of one per cent per month, and, further, that the defendants had failed to render the Assessor or Assistant Assessor of Internal Revenue a list or return containing a true and faithful account of the amount undistributed or other sums so had, but had wholly neglected to do so, and that the defendants thereby became liable to a penalty of fifty per cent to the said amount of tax so due and unpaid, aggregating in full to the amount claimed, $30,000.

The defence sets up the unconstitutionality of the now repealed Income tax on which the claim of the government is partly founded, on the ground of its non-uniformity. The question thus involved is a very important one as to the constitutional restrictions on the powers of Congress to levy taxes. The defence maintains that the clause of the constitution requiring that all "Duties, imposts and excesses shall be uniform," nullifies the Income tax, that having been held to be an excise because the Income tax violates the law of uniformity in many respects—in making exemptions in the case of persons doing business as a corporation and persons carrying on the same business as a corporation, and also as between ordinary citizens and persons dwelling in communities like the Shakers and the Oneida Community, and between persons living as one family and the same living as separate families. This point cannot have much effect now since the Income tax has been repealed, except so far as the present case against the German Savings Bank is concerned, and the relief it would afford against the claims of the government and other similar cases still pending in the courts. The case was on for argument yesterday before Judge Shipman in the United States Circuit Court, Mr. Lewis Sanders appearing for the bank and Mr. Sherman for the United States.

RIVAL SLEEPING CAR SUITS.

A bill of complaint for injunction and relief has been filed in the United States Circuit Court of this district by George M. Pullman, of the Pullman Palace Car Company, against Webster Wagner, of the Wagner Palace Car Company. The bill sets forth at great length all the usual grounds of complaint in such cases—that complainant first originated and started the cars in question, extending the business and expending large sums of money on the work; that certain patent rights in the construction of said cars had been secured by them at great cost and outlay, and were now owned by said Pullman; that the company had agreements with many of the more important lines of railroads throughout the United States and the Dominion of Canada for running their cars upon the several lines. With the New York Central road the company never had any such agreement; but, and herein lies the cause of complaint, that they gave to the defendant Wagner, President of the New York Central Sleeping Car Company, who had the exclusive right of furnishing sleeping cars on the road, oral permission to use the inventions there owned and controlled by them as they allege, in the construction of four cars to be run on said road, Wagner agreeing that four cars of the Pullman Company should also run on the road, to constitute a line from Chicago to New York. Other agreements to run on equal shares were entered into between the complainants and defendants; that subsequent to these agreements the defendants introduced their sleeping cars on other lines of roads constructed on the patent principles of the complainants' cars without agreement or any permission so to do, to the great detriment, loss and injury of the complainants. And therefore the injunction is asked for to restrain the defendant and his agents or others under him perpetually from directly or indirectly using or constructing sleeping cars containing or embodying any of the patents claimed by the complainant. The case promises to be one of long litigation and of consequent profit to the members of the legal profession engaged in it.

A CERTIFIED CHECK'S MISHAP.

In September, 1874, a noted swindler, son of a professor of a Massachusetts college, under the pseudonym of F. W. Frothingham, called at the establishment of Steinway & Sons, piano makers, and purchased a second hand piano for $400. Mr. Steinway's salesman reported that the party had been there before bargaining for the article, and recommended that the sale should be made. Frothingham represented that he was a member of a New London firm, and in payment of the piano presented a draft for $825, purporting to be drawn to his credit by a bank of New London, Conn., on the Marine National Bank of this city. Frothingham gave in his own handwriting the shipping directions for the piano, presented the $825 draft and received from Mr. Steinway a check for the balance between the price of the piano and the amount of the draft—$400. Hardly half an hour elapsed after the transaction when Mr. Steinway discovered he had been grossly defrauded; that the New London draft had been raised from $10 to $825, the original sum having been obliterated by chemicals. Thereupon Mr. Steinway hastened to the Bank of the Metropolis, on which his check was drawn, to stop payment. He was too late, however, to prevent the whole evil; for, although payment had been refused for want of identification, the cashier had certified the check. With this certification Frothingham hastened to Paterson, and, through the aid of a person there who identified him, under his alias of Frothingham, drew the amount of Steinway's check. Subsequently the whole fraud was discovered, and Frothingham was convicted at the General Sessions, under his real name of F. W. Sterns, for forgery, and sentenced to six years in the State Prison. The present action is brought by the New Jersey Bank against the Bank of the Metropolis for their loss in paying the check upon the certification of said bank. The defence put in is that the check being in a false name there was no title on it; the payee being a fictitious personage, the certificate of the Bank of the Metropolis did not hold them liable for its payment, and the plaintiffs, having paid the check without sufficient care, could not recover. Judge Sheridan, in Marine Court, Part 2, heard a long argument on the points presented, reserving his decision.

TIM. FLYNN'S BAD LUCK.

Recently a judgment was obtained by Charles N. Miller against W. H. Gill, and no property being accessible for the satisfaction of the judgment, the execution having been returned unsatisfied, an order was issued for the examination of Gill as to his property liable to execution. This order contained the usual clause prohibiting the judgment debtor from disposing of his property. Yesterday, in Marine Court, Chambers, Gill was examined, and testified that a part of his income was the result of Tim. Flynn's bad luck at billiards; that on the ninth of last month he played a match with Tim, at the latter's place in Park row and won $250. Just seven days later the "bould" Tim., nothing daunted, played another match with the defendant, and the latter won, carrying off the stakes, amounting to $500. All this money, Gill further testified, he immediately handed to his brother, who is a guest at the Buckingham Hotel. Upon this state of facts counsel for plaintiff applied to Judge McAdam for an order to punish Gill for contempt of court, in having parted with this money in violation of the injunction clause of the order for his examination. The judge denied the application, holding that the money having been received by Gill subsequent to the service of the original order for his examination could not be reached in the present proceeding. Some persons present in court, who sympathized with the creditor in his defeat, suggested that he ought to induce his debtor to test Tim Flynn's luck once more, under a contract, if successful, to turn over the stakes in satisfaction of the judgment.

ST. ANDREW'S CHURCH CASUALTY.

Last spring Mrs. Honorah Corrigan brought suit against the city and James M. Shaw for $5,000 damages for the loss of her son, who died from injuries received at St. Andrew's church, caused by the falling of the wall of Shaw's building through the roof of the church. The suit against Mr. Shaw was ordered to be tried in January last, but a few days before the trial Mr. Shaw settled the suit with Mrs. Corrigan for $600, without consulting her attorney. Motion was made yesterday in Supreme Court, Chambers, before Judge Barrett, by J. R. Dos Passos, counsel for Shaw, to have the action discontinued, on the ground that it was settled. It was opposed by William F. McNamara, attorney of Mrs. Corrigan, on the ground that the settlement was collusive and was made to defraud him as attorney, and also to defraud three other children of Mrs. Corrigan, who were entitled to a share in the settlement. Mrs. Corrigan had, since the settlement, been removed by the Surrogate as administratrix and another person appointed in her stead. Motion was made, also, to have the second administrator, who was the guardian of the other three children, substituted as the plaintiff in the action against Shaw. Counsel claimed that the settlement could not stand as against the three minor children, because it was not made by permission of the Surrogate, and that the proper remedy for the defendant Shaw was for leave to serve a supplemental answer, setting up the settlement as a defence. He believed, after an examination of the facts and the law, that Mr. Shaw was responsible for the accident and that a jury would undoubtedly render a verdict of $5,000. The Court took the papers, decision being reserved.

THE TURKISH ARMS CONTRACT.

Some time since the Turkish government entered into a contract for the manufacture of arms with the Providence Tool Company, the amount of which was so enormous that, on the strength of it, the Tool Company assumed obligations in England and elsewhere to the extent of £400,000. The conditions of this contract bound the Turkish government to furnish to the Tool Company monthly a certain amount either in cash or credit. Recently the Turkish government failed to keep up to its engagements, causing a suspension of the affairs of the Tool Company and resulting in a proposition from it to pay in full in three half-yearly payments. Among the creditors of the Tool Company were the Martini Henry Rifle Company and Wesley Richards, of England, to the extent of about $200,000, both of which have been consolidated into a company called the National Arms (Limited). Proceedings which were taken by Messrs. Sullivan, Kobbe & Fowler, counsel for the foreign creditors for the liquidation of this claim, have now resulted in an acceptance of the terms of the Providence Tool Company. The Turkish government has also resumed the performance of the conditions of its contract, and the Tool Company goes on with its business.

SUMMARY OF LAW CASES.

The receiver of the International Insurance Company, Jarvis Slade, reports that he has realized from the defunct company's assets $782,322 88, and has expended $757,396 53; leaving on hand December 31, 1875, $24,929 35. On a report of James C. Spencer, referee, Judge Donohue granted an order, filed yesterday with the County Clerk, confirming the receiver's report and reducing the bonds of the receiver to $24,000.

The quarterly report of John Blaine, receiver of the Commercial Warehouse Company, filed yesterday in the County Clerk's office, shows that on the 1st inst. he had on hand $122,894 73, that he received between January 1 and April 1 $514,135 worth of goods, and delivered goods worth $556,416 25. He also reports that he has by order of the court delivered to the owners $90,270 of stocks and bonds held on deposit by the company at the time of his assumption of office.

After a second and prolonged tedious trial the testimony in the case of John O'Gorman against Henry Kamak was concluded yesterday, before Judge Robinson, of the Court of Common Pleas. The case will be summed up to-day.

The Suburban Gas Company sued the city to recover $8,000 for gas claimed to have been furnished the city. The complaint was yesterday dismissed by Judge Donohue, before whom the case came up for trial, in Supreme Court, Circuit, on the ground that the action should be brought against Westchester county and not the city.

A commission to Samuel L. Glasgow, United States Consul in Glasgow, Scotland, was yesterday granted by Judge Barrett, in Supreme Court, Chambers, to examine witnesses for the defence in the suit of the National Bank of Scotland vs. Francis B. Nicol et al. and William Naismith vs. the same.

Judge Lawrence yesterday dismissed the complaint in the suit brought by William Barclay vs. the city, to recover eighteen months' salary as an attendant at Jefferson Market Police Court. The defence was that the work had not been done.

Judge Barrett yesterday adjourned the trial of the suit of De Witt C. Taylor vs. Jay Gould and others, on account of the illness of Mr. Shearman, counsel for Mr. Gould. The trial will be resumed to-morrow morning.

Judge Barrett yesterday continued the injunction obtained in the suit of William S. Williams vs. the United States and Brazil Mail Steamship Company and others, restraining the latter from mortgaging any of their property to pay any alleged indebtedness on a promissory note of the company to Cornelius K. Garrison.

John Church, a truck driver, ran over a man in Broadway on Saturday last and killed him. He was arrested and yesterday appeared before Judge Barrett, in Supreme Court, Chambers, to obtain his discharge, on the ground that the man was run over accidentally, or to be admitted to bail. Judge Barrett admitted him to bail in the sum of $2,000.

William Wardrop brought suit against H. B. Claflin & Co. for $13,000 damages for failure to carry out a contract for selling "Marine Sectional Life Preserver Mattresses." On the trial yesterday, before Judge Donohue, the case was dismissed on a release being shown given by the patentees to the defendants relieving them from the contract.

Judge Flanagan, of the Tenth district, has brought suit against the city to test the power of the Comptroller to compel each justice to make affidavit as city officers before being entitled to pay. The plaintiff claims he is a State officer, and therefore not bound to make the affidavit demanded. His suit will be tried in the Marine Court to-morrow, before Judge Sheridan, Mr. Thomas Allison appearing as his counsel, when this long mooted question about affidavits will be settled.

In Supreme Court, Chambers, yesterday, Judge Barrett granted the motion to amend the answer in the suit of Ann Kellum, executrix of John Kellum, architect of the New Court House, against the city to recover $190,000. The city can now plead in defence the unskilful and negligent manner in which the work is alleged to have been done. The city, however, is required to pay all costs to date and $10 costs of motion.

Judge Curtis yesterday denied a motion for an injunction asked by J. Weyman Jones against George L. Kent, administrator of the estate of E. Rockwell, and the St. Joseph Lead Company, restraining the former from selling and the latter from paying in money on account of 200 shares of the lead company's stock. Motion was denied, on the ground that there was an absolute and unconditional transfer of the stock to Kent and that the title passed to him without any restriction.

DECISIONS.

SUPREME COURT—CHAMBERS.

By Judge Barrett.

Powers vs. Otard.—Motion for injunction and receiver denied and temporary injunction dissolved, with $10 costs.

Valentine vs. Lockhart; Ferris vs. Lalor; Sullivan vs. Raphael; Martin vs. Martin et al.; Metropolitan Savings Bank vs. Marquis; Macy vs. Mayer; Gollett vs. Farley; McGuire vs. Fitzgerald; Schuster vs. Craigie; Slone vs. Phillips.—Motions granted.

Earle vs. Farley et al.—Judgment granted and the referee who was appointed to compute is appointed to sell.

Harrison vs. Stevens; Hubbard vs. The French Manufacturing Company; Earle vs. Earle.—Motions denied.

Woods vs. Birdsall.—Motion granted for second Friday.

Purdy vs. The Arcadian Club.—Granted for first Friday.

Harlem Gaslight Company vs. The Second Avenue Railroad Company.—Motions granted for first Friday.

Williams vs. United States and Brazil Mail Steamship Company.—Injunction continued with leave to move to dissolve upon eight days' notice.

Meurny vs. Warren.—Upon the affidavits filed and also upon this stipulation the motion for a reference must be denied without costs.

Osborn vs. The West Wisconsin Railroad Company.—Motion granted for third Friday.

Havens vs. Platt.—Extra allowance of five per cent upon the amount claimed in the plaintiff's complaint awarded to the defendant Platt.

Fitch vs. Vandeveer.—Motion granted for the first Friday of June, which will enable defendant to issue a commission to take plaintiff's testimony if he desires to do so.

Marshall vs. Macgregor.—Motion granted, with $10 costs and cause referred.

Kellum vs. The Mayor, &c.—Motion granted on payment within five days of all the costs which have accrued since the filing of the original answer and $10 costs of this motion.

The Quebec Bank vs. Farrell and another.—Motion granted for first Friday of May.

McKnight vs. Devlin.—Commission granted, with stay of forty-five days.

Johnson vs. Manning.—Motion granted and cause referred.

Carson vs. Conover.—There is no proof of service of the notice of motion upon the Sheriff. Upon that being supplied an attachment must issue.

Gill vs. Petersohm.—Although there was no opposition to this motion I am satisfied, from an inspection of the pleadings, that it cannot be tried in one hour and consequently the motion must be denied.

Secor and another vs. Austin.—Motion granted for second Friday.

Creuzbaur vs. Remsen et al.—Motion granted for third Friday.

Harlem Bank vs. Brown; Patten vs. Gano; East River National Bank vs. Palmer.—Motions granted for third Friday.

Post vs. Winckel.—Motion granted and John P. Jackson appointed Commissioner.

Pettigrew, &c., vs. Voorhis, Jr.—Motion granted for first Friday.

Cambridge Valley National Bank vs. Matthew.—Motion granted for second Friday.

Taddiken vs. Cantrell.—Bond approved.

Block vs. Maltby.—Commission granted.

United States Rolling Stock Company vs. The Erie and Pacific Despatch Company.—Motion denied, with $10 costs, but with leave to renew (on payment of such costs) on further papers showing that the examination of a long account will necessarily be involved in the trial of this action and detailing such account.

Schlop vs. Neal.—The complaint would seem to indicate that the cause had been commenced in the Marine Court. It does not appear how it was removed into this court. But upon the whole case made out by the pleadings and affidavits, and assuming the case to be regularly on this court, I think this motion should be denied.

Gaillard vs. Rosenfield et al.—The case made out is one solely for equitable relief. The plaintiff would be non-suited at the trial of this action at law (against his copartner and two others) upon the facts averred. But even these facts are not proved by evidence which would entitle the plaintiff to rest upon the trial. The Court does not grant orders of arrest upon a verified complaint nor upon affidavits which, in their nature, are mere averments. The affidavits should be essentially testimony, and this is entirely wanting. In no respect of the case can this order of arrest be sustained. Motion granted, with $10 costs.

By Judge Lawrence.

Matter of Earle, &c.—The brief of the petitioner's counsel has been submitted, but the supplementary proofs on the part of the Corporation have not been handed in.

Freund vs. The Importers and Traders' National Bank.—The appellant has not complied with rule 43 in respect to mailing the proposed amendments, as allowed or disallowed, nor has he referred me to the particulars of the stenographer's minutes, which he relies on as sustaining his right to the amendments asked for. The defects must be supplied.

Hymes vs. Culver.—Counsel resisting this application refers in their points to a decision of Chief Justice Daly, of the Court of Common Pleas, as directly in point. They do not, however, furnish a copy of the decision or opinion. The case of Jackson vs. Stiles (1 Cowen, page 134) would seem to sustain the petitioner's right to apply on the affidavit of an attorney in fact or agents. If Judge Daly has, however, held the other way, I shall feel bound to follow the more recent decisions. Counsel will furnish it.

Moore vs. Tallcott.—I do not see how the plaintiff can claim a greater allowance than five per cent on the amount reported due to him by the referee. Such an allowance will be granted.

Matter of the application of the Department of Public Docks relative to piers Nos. 33 and 34.—Do counsel intend to present further briefs in this motion? If not they will please notify me as soon as possible, in order that I may dispose of the motion.

Gardiner vs. The Mayor, &c.—In this case I understand that it has been agreed by counsel that the final disposition of the motion shall be deferred until the return of the commission. If I am in error in this understanding I shall be obliged to counsel for correcting me at once.

Zecher vs. Kiernan.—In this case I shall have to insist that counsel prepare written briefs or points stating precisely what the difference is between them. From the oral argument I gathered that it was contended that the proceedings had fallen through by reason of a failure to regularly adjourn the same. Counsel will oblige me by handing in, within two days, a brief statement of the point involved and of their respective positions in regard to the same. The testimony is in many respects illegible and I desire that reference be made to such points thereof as the respective counsel rely upon to sustain their views.

By Judge Donohue.

Matter of Slade; Rothschild vs. Walters et al.—Granted.

The Corn Exchange Bank vs. Stevens.—Order granted denying motion.

Isaacs vs. Seligman.—Signed.

Connolly vs. Connolly.—Referee appointed.

Matter of Loweree.—Order granted.

SUPREME COURT—SPECIAL TERM.

By Judge Van Vorst.

Brown vs. Lyddy.—Case and amendments settled.

By Judge Larremore.

Haberman vs. Witters et al.—Findings settled.

SUPERIOR COURT—SPECIAL TERM.

By Judge Curtis.

Jones vs. Kent, &c.—Motion for injunction denied. Costs of motion to defendant, to abide event of suit.

By Judge Speir.

Wheeler, &c., vs. Bates et al.—Judgment for defendant on demurrer.

Butler vs. Fingue et al.—Undertaking approved.

Matter of Vercelli, an insolvent and imprisoned debtor.—Order discharging insolvent debtor from imprisonment.

Schastey vs. Herter et al., Giles vs. Harmens, Jr., Westerman vs. Freeland, Same vs. Remington, Same vs. Same, Same vs. Same, Same vs. Stilwell, Jr., Brewster vs. Balch.—Orders granted.

Scott et al. vs. Hoey.—Order that commission issue, &c.

The Dry Dock Savings Institution vs. Williams et al.; Same vs. Same.—Referee's report confirmed and judgment of foreclosure and sale ordered.

COMMON PLEAS—SPECIAL TERM.

By Judge C. P. Daly.

Mears vs. Davidson.—Motion to discontinue, without costs, granted.

By Judge J. F. Daly.

Cashman vs. Martin.—Security in each case fixed at $5,000.

COMMON PLEAS—EQUITY TERM.

By Judge Van Brunt.

Brueckel vs. Brueckel.—Findings settled.

MARINE COURT—CHAMBERS.

By Judge McAdam.

Ellis vs. Florx.—Opinion.

Eastman vs. Fuller.—Motion granted on payment of $10 costs within five days.

Geissman vs. Kapff.—Motion granted, unless within ten days the plaintiff pays $10 costs and puts cause on calendar.

Cohen vs. Conner.—Default opened on payment of $20 costs within five days and case to be tried in Part 1, April 13, 1876.

Bruley vs. Weisenback.—Motion granted. (See 51 N. Y., 602, and 3d Duer, 614.)

Miller vs. Gill.—The order in supplementary proceedings affects only moneys actually due at the time the order is obtained. (See 16 Howard, p. 549, 1 Weekly Digest, 260.)

Snyder vs. Partlin; Mamoe vs. Lumley; Marshal vs. Gaynor; McPherson vs. Gaynor; Craig vs. Craig; Lerine vs. Hirsch; Ackerman vs. McDevitt.—Motions to advance causes granted.

Jackson vs. Peck.—Judgment ordered for plaintiff.

Donohue vs. Meixel.—Receiver appointed.

Poppery vs. Bumarel.—Motion granted.

COURT OF GENERAL SESSIONS.

Before Recorder Hackett.

THE OLD, OLD GAME.

John De Bigot, a young French Canadian, strange to the city, was walking through West street on his way to the steamboat for Boston, on the 21st of last month, when he was accosted by a strange man who entered into conversation with him. While they were talking a third man came up, slapped the strange man aforesaid on the shoulder, and informing him that "his baggage was safe," demanded payment for its transportation. The stranger thrust his hand into his pocket and found he had no money except a number of $20 gold pieces, one of which he asked the young Canadian to oblige him by changing. Bigot, hastening to comply with the request, drew from his pocket all the money he had, amounting to $70 in greenbacks. The man who had first accosted him snatched the money from his hand, and the two men ran off. While they were dividing the booty Officer Dennis J. Fogart appeared upon the scene and arrested the pretended porter, who gave his name as John More, and who attempted to throw away his share of the spoil, $35. Upon his person were found about a dozen brass pieces in imitation of gold eagles. The prisoner was tried before Recorder Hackett yesterday, and the jury found him guilty without leaving their seats. The Court sentenced him to confinement in the State Prison for five years.

STEALING A ROGUE'S DIRECTORY.

John M. Daly called at the house of Mrs. Joseph Waters, No. 411 West Forty-third street, on the night of March 11 and told the servant that her mistress had sent him for three account books, which he described. The articles were delivered to him and he departed. Mrs. Waters learned of the transaction for the first time when she returned. Daly was subsequently arrested on a charge of obtaining goods by false pretences. While lying in the Tombs he sent a note to the District Attorney stating that as Mrs. Waters had declined to tell the nature of the books he obtained he would do so himself. He declared that two years ago Mrs. Waters and himself formed part of a gang engaged in the sawdust business and the books in question contained a list of all the merchants and others throughout the country who had written to them for "queer." The prisoner was arraigned yesterday, and, pleading guilty to obtaining goods by false pretences, was sent to the Penitentiary for sixty days.

A FALSE FRIEND.

Louis De La Sante, of No. 25 Park street, was convicted of stealing $100 worth of property from the room of his friend, Joseph Olivier, of No. 38 Laight street, on the night of February 7. He was sent to State Prison for three and one-half years.

STORE HOUSE ROBBER SENTENCED.

John Regan, who, with Charles Maguire, stole $151 worth of property from the store house of Henry L. Freeman, No. 108 Washington street, on the night of March 18, pleaded guilty, and was sent to State Prison for eighteen months.

FIVE YEARS FOR ROBBING A HAT RACK.

Charles Williams, of No. 327 West Fortieth street, entered the house of Dr. Joseph H. Howe, No. 42 West Twenty-fourth street, by means of a false key on the night of March 14, and stole $150 worth of coats and hats from the hall rack. He pleaded guilty yesterday, and was sentenced to five years in State Prison.

HE LOST AN EYE.

Frederick Kenken, a diminutive twelve year old urchin, climbed on the witness stand yesterday in the Special Sessions, and in tearful accents related how Michael Owens, a bigger boy, had knocked him down and hit him with a stone.

"Did he hit you with a stone?" asked the Court.

"Yes, sir," sobbingly replied Frederick; "he hit me on the forehead, and knocked my eye out."

"Knocked your eye out," cried Justice Wandell, in horrified accents. "Let me see it."

"Oh, it wasn't my own eye; it was a glass one."

"Oh!" said the Justice, "that's it, is it."

Owens was sent to the House of Refuge.

TOMBS POLICE COURT.

Before Judge Flammer.

BEWARE OF STRANGERS.

Nellie Vincent, of No. 30 Rivington street, a married woman, while walking through William street yesterday morning, engaged in a flirtation with a young man, named Jeremiah Hoar, whom she acknowledged to have never seen before. He, presuming on the flirtation, accosted her, and they soon became quite familiar. He asked her to take a drink, and together they repaired to the liquor store at No. 239 William street. While they were drinking the proprietor of the saloon saw Hoar steal Mrs. Vincent's pocketbook, from the contents of which he paid for what they had imbibed. Mrs. Vincent, on being informed of her loss, called a policeman and had Hoar arrested. The pocketbook contained $6 30, which was recovered. Justice Flammer held the prisoner in $1,000 bail to await trial.

FIFTY-SEVENTH STREET COURT.

Before Judge Duffy.

CURIOUS CHARGE OF STEALING.

William H. Spencer, a good looking young man, who gave his residence as No. 688 Broadway and his business that of a civil engineer, was accused of stealing an amethyst ring valued at $15 from Louisa Miller, a girl of seventeen years, residing at No. 179 East Fourth street. It came out during the examination that Miss Miller made the acquaintance of the accused in a Broadway stage several months since, and that he subsequently visited her with the consent of her relatives as her accepted lover. On the 24th ult. it transpired that Spencer was a married man, who had abandoned his wife. Miss Miller then discovered that the ring before mentioned had been stolen, and she accused Spencer of the theft. Judge Duffy said that had not the accused falsely represented himself as an unmarried man he might hesitate to hold him, but under the circumstances he could not do otherwise than send him down for trial. He was committed in default of bail.

A BOLD HIGHWAY ROBBERY.

On Monday afternoon, Mrs. Ann Gillick, of No. 319 East Forty-fifth street, was knocked down in Second avenue and robbed of a satchel containing a safe key and $80 in cash. From the description of the thief Officer John O'Brien, of the Nineteenth precinct, arrested James Flannagan, of No. 309 East Forty-fourth street, on suspicion. Mrs. Gillick identified him, and at this Court he was held for trial in default of $3,000 bail. He denied the charge.

HOW A TAILOR MADE MONEY.

An examination was held in the case of Joseph Solomon, who was held on Monday on a charge of embezzlement. The accused was charged with having pawned $210 worth of coat goods given to him to be made up, and converting the money to his own use. Vogle Brothers, clothiers, of Nos. 8 and 10 White street, appeared in court yesterday as additional complainants, he having, as alleged, swindled them in a like manner. It is said that other victims will also be forthcoming. Counsel for Solomon maintained that the offence charged, that of embezzlement, was found not to be correct in law, and the original complaint was changed to that of grand larceny, and upon that the defendant was held for trial.

STRUCK IN THE EYE WITH A FORK.

Michael Mahoney, of No. 631 First avenue, was arrested for disorderly conduct on complaint of Mary Norton, of the same house. The complaint was dismissed, and Mrs. Norton was then made a defendant for throwing a fork at Mrs. Mahoney and striking her with it in the eye, probably causing her the loss of it. She was committed to prison in default of bail to keep the peace and $10.

POLICE COURT NOTES.

At the Essex Market Police Court yesterday Judge Otterbourg held Wm. J. Pell in $3,000 bail for breaking into the store of Valentine Van Sickle, No. 356 Grand street, and stealing $30 worth of cutlery.

At the Washington Place Police Court yesterday Judge Morgan held William Stafford, alias Big Mike, a hotel thief, in $2,000 bail, for attempting to break into the room of Henry S. Pilkenton, in the St. Omer Hotel, No. 384 Sixth avenue. When arrested a number of skeleton keys were found in Stafford's possession.

At the same Court Harrison H. Shaw was held for false pretences. He obtained $15 from Albert Terhune by representing that he was a collector for C. H. Mengis, of No. 80 Walker street, and also obtained $19 from John McDonall, of No. 682 Broadway, on a false check, purporting to be indorsed by Mr. Mengis.

COURT CALENDARS—THIS DAY.

SUPREME COURT—CHAMBERS—Held by Judge Barrett.—Nos. 14, 47, 48, 52, 61, 63, 67, 70, 83, 85, 93, 95, 110, 114, 127, 163, 171, 177, 184, 188, 197, 199, 208, 226 252, 254, 256, 289, 299, 307, 309, 317, 326.

SUPREME COURT—CIRCUIT—Part 1—Held by Judge Lawrence.—Nos. 2200, 1347, 2524, 2525, 1855, 1556½, 1557, 1379, 1381, 1383, 1385, 1387, 1389, 1391, 1393, 1395, 1397, 1399, 1401, 1403. Part 2—Held by Judge Donohue.—Nos. 1026, 82, 2240, 1062, 2338, 380, 1386, 1108, 1398, 1400, 225, 1824, 858, 860, 893, 1258, 1148, 698, 2698, 1322, 1026½, 1248, 1042, 1125½, 1268, 736, 2404, 2852, 900, 1404, 1412, 1414, 1420, 1422, 1424, 1424½, 1426, 1428, 1430, 1432, 1372, 1318, 872, 2110, 1046, 1442, 1444, 1444½, 1446, 1448, 1450. Part 3—Held by Judge Larremore.—Nos. 633, 1127, 863, 718, 673, 111, 949, 1733, 1131, 2489, 1237, 2537, 1697, 325½, 171½, 175½, 621, 933, 1721, 1809, 301, 923½, 1185½, 691, 693.

SUPREME COURT—SPECIAL TERM—Held by Judge Van Vorst.—Demurrers—Nos. 14, 18, 16. Law and Fact—Nos. 242, 55, 222½, 292, 243, 145, 230, 129, 119, 120, 19, 414, 163½, 67, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326.

SUPERIOR COURT—GENERAL TERM—Held by Judges Curtis and Sanford.—Nos. 9, 13, 19, 20, 21, 23, 25, 27, 29, 31, 32, 34, 35, 36, 37, 38, 39, 40.

SUPERIOR COURT—TRIAL TERM—Part 1—Held by Chief Justice Monell.—Nos. 1675, 923, 1531, 297, 741, 627, 919, 1847, 865, 971, 925, 1855, 1361, 775, 679. Part 2—Held by Judge Sedgwick.—Nos. 800½, 1012, 1010, 964, 716, 800, 960, 950, 454, 856, 618, 920, 1534, 838, 1006.

SUPERIOR COURT—SPECIAL TERM—Held by Judge Speir.—Nos. 18, 29, 39.

COMMON PLEAS—EQUITY TERM—Held by Judge C. P. Daly.—Demurrer. 7. Nos. 1, 32.

COMMON PLEAS—TRIAL TERM—Part 1—Held by Judge Robinson.—Case on—1978. No day calendar. Part 2—Held by Judge Van Brunt.—Nos. 1454, 2284, 1684, 1308, 1407, 181, 728, 1469, 1824, 1825, 1826, 1827, 1828, 1829, 1831, 1832, 1833, 1834, 1836, 1837, 1838. Part 3—Held by Judge J. F. Daly.—Nos. 1785, 1798, 1630, 1665, 1535, 1625, 1365, 2127, 1530, 1840, 1841, 1842, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851.

MARINE COURT—TRIAL TERM—Part 1—Held by Judge Alker.—Nos. 7096, 3949, 3866, 5002, 3968, 1433, 2212, 2250, 2849, 4000, 4001, 4002, 4005, 4006, 4010. Part 2—Held by Judge Sheridan.—Nos. 3139, 3140, 5912, 3844, 7082, 7108, 5640, 160, 1358, 6805, 7047, 7079, 4427, 3740, 5480. Part 3—Held by Judge Shea.—Nos. 6867, 6224, 5920, 6010, 3593, 6227, 5390, 3136, 6882, 6996, 6804, 7031, 6531, 4716, 6792.

COURT OF GENERAL SESSIONS—Held by Judge Gildersleeve.—The People vs. Thomas Printz, robbery; Same vs. Erich Ruyter, robbery; Same vs. Christopher Bracken, robbery; Same vs. David Higgins and John Ryan, robbery; Same vs. John Finnegan, robbery; Same vs. Francis Printz, felonious assault and battery; Same vs. Albert Johnson and Jack Russell, burglary; Same vs. Thomas Leroy, burglary; Same vs. William Johnson and Martin Meely, burglary; Same vs. John Evans, burglary; Same vs. George Lockwood, burglary; Same vs. Richard Muldary and John Kelly, burglary; Same vs. William Levy, grand larceny; Same vs. James F. Draddy, grand larceny; Same vs. John Smith, grand larceny; Same vs. James A. Kernian, grand larceny; Same vs. Isaac Franklin, grand larceny; Same vs. James Eakins, John Eakins and William Fenton, assault and battery; Same vs. Clark Corney, assault and battery.

COURT OF APPEALS.

ALBANY, April 4, 1876.

In the Court of Appeals to-day the following business was transacted:—

MOTIONS.

Van Woert vs. The Albany and Susquehanna Railroad Company.—Upon motion and consent this cause was ordered on the next calendar as at date of filing the return.

Bradner vs. Colt.—Motion to dismiss. S. Hand for motion, and A. J. Parker opposed.

Sprague vs. Western Union Telegraph Company.—Motion to dismiss submitted.

Ross vs. Hurd.—Motion to place cause on calendar submitted.

Crosby vs. Crafts.—Motion to dismiss submitted.

APPEALS FROM ORDERS.

No. 4. People ex rel. David C. Woolf, defendant in error, vs. Aaron Jacobs, plaintiff in error.—Samuel J. Crooks for appellant; respondent submitted.

No. 339. People ex rel. Lucy L. Devlin, respondent, vs. Thomas B. Asten and others, assessors, &c., appellants.—Argued by William M. Evarts for appellants, and by Charles E. Miller for respondent.

No. 340. People, &c., ex rel. William D. Mott, respondent, vs. The Board of Supervisors, &c., appellants.—Argued by Jacob J. Werner for appellants; A. J. Parker for respondent.

No. 347. Edgar M. Birdsall, appellant, vs. Charles Strawbridge, respondent.—Argued by D. Morris for respondent. Submitted for appellant.

Nos. 349, 355, 356, 357 and 358. People, ex rel. James M. C. Tytler, appellant, vs. Andrew H. Green and others, respondents, and four other causes.—Argued as one cause by Hugh L. Cole for appellants; by James A. Dering for respondents.

Nos. 351 and 352. People ex rel Stevens vs. Hoyt; People ex rel. James Munger, Jr., vs. Geron.—Argued by M. A. Fowler for appellant, and John H. Bergen for respondent.

DECISIONS.

The following decisions were handed down in the Court of Appeals to-day:—

Motion for reargument denied, with $10 costs—Osborn vs. Keech.

Motion to dismiss appeal granted, with $10 costs—Gildersleeve vs. Dixon.

Writ of error quashed, without costs—People ex rel. Donovan vs. Connor.

Judgment affirmed—Dolan vs. The People, Carpenter vs. The People.

Order of General Term reversed and order of Special Term affirmed, with costs—People ex rel. Schonck vs. Green.

Order reversed and proceedings remitted to Supreme Court, with directions to hear and determine the appeal upon the merits—In re City of Buffalo to extend canal.

Order of General Term reversed and judgment of Special Term affirmed, with costs—The people ex rel. New York Dispensary vs. Green.

Order reversed and motion denied, with costs—The people ex rel. Ruggles vs. Chapman.

Judgment affirmed, with costs—Hill vs. the N. Y. C. and C. Railroad; Bruner vs. Meigs; Cochlin vs. the N. Y. C. and C. Railroad; Roulston Becar vs. Fines; Massott vs. the Del. and C. Railroad; the People ex rel. the Pacific Mail Steamship Company vs. the Commissioner of Taxes, &c.; Mitchell vs. the N. Y. C. and C. Railroad; the People ex rel. the Female Academy vs. the Commissioner of Taxes.

Judgment reversed and new trial granted, costs to abide the event—Scholey vs. Mumford; Cordell vs. The N. Y. C. and C. Railroad.

Order affirmed, with costs—Swift vs. Prouty.

Order affirmed, without costs to either party in this Court—The People ex rel. McKown vs. Green.

CALENDAR.

Nos. 60, 131, 133, 134, 135, 138, 139 and 142.

UNITED STATES SUPREME COURT.

WASHINGTON, April 4, 1876.

The following cases were argued yesterday:—

No. 199. Branch et al. and the South Carolina Railroad Company vs. City Council of Charleston, and No. 200—Appeal from the Circuit Court for the district of South Carolina.—The question in these cases is, what property, if any, of the South Carolina Railroad Company within the limits of the city of Charleston is exempt from taxation. The Court below held that the depots, workshops and other buildings erected by the company upon the lands acquired from the South Carolina Canal and Railroad Company are taxable, and that the tracks and side tracks within the city limits, replaced since 1843, and used for the accommodation of the united system of roads under its control, are taxable only pro tanto. From this decree both parties appeal, contending that it is not consistent with the operation of the various State laws. McGrath & Connor for appellants, D. G. Corbin for City Council.

197. Marker & Co. et al. vs. Langley & Co. et al.—Appeal from the Circuit Court of the Southern district of South Carolina.—The general question presented in this case is as to the distribution of a fund in court realized from the sale of certain will property and bought by the appellees. The decree was that Langley & Co. having, by their mortgages, the prior and paramount lien on the property, their right upon the fund derived from the sale was as complete as in the land itself, and that they were entitled to be paid in full out of the purchase money before any other creditors. From this decision the other creditors appeal. Presley, Lord and Inglesby for appellants; C. R. Miles, for appellees.

ANOTHER PACIFIC MAIL SUIT.

Mr. Charles F. Strong was, on motion of defendants' counsel, appointed referee by Judge Gilbert, in the Supreme Court, yesterday, to take testimony and to report in the matter of the suit of the Pacific Mail Steamship Company vs. The Union Pacific Railroad Company. The action grows out of an alleged failure on the part of the defendants to supply sufficient means to receive freight transmitted on contract by the former to the latter company. The plaintiff claims to have suffered damages by this neglect on the part of the defendant to the amount of $250,000, for which judgment is sought. In the answer it is set forth that a full settlement has been made and that the plaintiffs have failed to fulfil the terms of their contract.

LITTLE EMMA, JR.

Deputy Sheriff McGonigle late yesterday afternoon arrested, on an order issued by Judge Donohue, Thomas O. Shaw, the alleged agent and secretary of the "Rocky Mountain and Vermillion Paint Company," incorporated under the general law of this State, on the complaint of W. S. Slater. Shaw had not given bail last evening. The amount which it is alleged he has obtained by fraud is placed as high as $123,000.

It seems from the affidavit of the plaintiff, made before Judge Donohue, that in 1872 the defendant represented himself as the secretary and general agent of the company above named, and it is alleged that he represented that he had full power and authority to negotiate loans; that he owned in fee simple valuable deposits of vermilion in Wyoming Territory worth fully $1,000,000, and that there were "millions in it," as there was not a similar mineral deposit in the United States. Plaintiff, it appears, upon these alleged fraudulent representations indorsed certain notes for defendant, who gave as security mortgages on the mythical bonanza. On the 29th of October last, it appears, the Attorney General of this State was prevailed upon to dissolve the corporation, and the defendant was appointed receiver.

MARRIAGES AND DEATHS.

MARRIED.

PENNY—NORTHRUP.—On Friday, March 31, at the residence of the bride's sister, by the Rev. C. Fuller, HENRY C. PENNY to Miss ELLA, daughter of D. B. Northrup, Esq., all of this city. No cards.

DIED.

ABRAMS.—MARTHA FRANCES, wife of James Abrams, of consumption, in the 30th year of her age.

Relatives and friends of the family are respectfully invited to attend the funeral, from her late residence, 424 West 25th st., on Thursday, 6th inst., at one P. M.

BARMORE.—On Sunday, April 2, JENNIE, wife of George Barmore and only daughter of William and Janet McEwen, in the 23d year of her age.

The relatives and friends are respectfully invited to attend the funeral, from her late residence, No. 217 East 40th st., this (Wednesday) afternoon, at one o'clock.

BUNBURY.—On Monday, PATRICK JOSEPH BUNBURY, of Bagnalstown, county Carlow, Ireland.

Funeral to-day, at two o'clock, from his late residence, No. 343 East 39th st. Friends and relatives invited to attend.

CALLAHAN.—Suddenly, at Harlem, on Tuesday morning, April 4, WILLIAM CALLAHAN, aged 35 years.

The funeral will take place from his late residence, No. 341 East 114th st., on (this) Wednesday afternoon, at one o'clock.

Relatives and friends are invited to attend.

CANNON.—On Monday, April 3, at No. 9 Great Jones st., PATRICK CANNON, native of Roscommon, Ireland, in the 21st year of his age.

Relatives and friends are invited to attend the funeral, on Wednesday, at two o'clock.

CARR.—On Tuesday, April 4, ROSE, the beloved wife of Bernard Carr and sister of Patrick Duffy, a native of Rakeeragh, county Monaghan, Ireland, aged 45 years.

The remains will be taken from her husband's residence, 356 1st av., corner 21st st., on Thursday morning, at half-past nine o'clock, to the Church of the Epiphany, 2d av., between 21st and 22d sts., where a requiem high mass will be offered for the repose of her soul, and from thence to Calvary Cemetery at one P. M. The relatives and friends of the family are respectfully invited to attend without further notice.

CARY.—At Rome, Italy, on the 23d of March, in the 39th year of his age, LUCIUS S. CARY, youngest son of William F. and Nancy Cary.

COMAR.—On Tuesday, April 4, WILLIAM COMAR, native of Aughrim, county Galway, Ireland.

The friends of the family are invited to attend the funeral, on Thursday, April 6, from his late residence, No. 263 West 32d st., at one o'clock.

COMERFORD.—On Tuesday, April 4, JOHN, son of Patrick and Jane Comerford, aged 8 years.

The relatives and friends of the family are respectfully requested to attend the funeral, on Thursday, April 6, at half-past two P. M., from the residence, No. 317 Columbia st., Brooklyn.

DAVIS.—On March 30, 1876, on the cars, near Dunkirk, en route to Schenectady, N. Y., his native city, WILLIAM C. DAVIS, formerly of this city, but late a resident of St. Paul, Minn.

FITZPATRICK.—Suddenly, on April 4, 1876, at his late residence, 126 Perry st., WILLIAM T. FITZPATRICK, in the 28th year of his age.

Notice of funeral hereafter.

FLUSHING.—At one o'clock A. M., on April 4, MARGARET, beloved wife of Alexander Flushing, aged 54 years.

Funeral will take place from her late residence, No. 139 Hamilton av., Brooklyn, at two P. M., on Thursday, April 6.

FRISBIE.—On Monday morning, April 3, at Staten Island, Captain Major ROGERS FRISBIE, aged 68 years.

Funeral services in the chapel at Sailors' Snug Harbor, Wednesday, 5th inst., at eleven A. M. Interment in Greenwood Cemetery.

GERRETY.—On Tuesday, April 4, THOMAS GERRETY, aged 45 years.

The relatives and friends are respectfully invited to attend the funeral, at the residence of his sister-in-law, Mrs. Waugh, 117 Butler st., on Thursday, April 6, at half-past two o'clock.

HALL.—April 4, of diphtheria, GUSSIE, youngest daughter of William P. Hall and the late Almira A. Fuller, in the 10th year of her age.

Funeral on Thursday, 6th inst., at two o'clock, from the residence of her father, 602 Franklin av., Brooklyn.

HARRSH.—On April 4, BRIDGET HARRSH, in the 45th year of her age.

The relatives and friends of the family are invited to attend the funeral, from her late residence, 511 Pearl st., on Thursday, at two o'clock.

HITCHCOCK.—On Tuesday, at her residence, 51 East 13th st., MARY A., wife of Dr. H. M. Hitchcock.

Notice of funeral hereafter.

KELLY.—In New York, on Tuesday, April 4, after a short illness, SUSAN A. KELLY, wife of James W. Kelly, second eldest daughter of William Kirk.

The relatives and friends of the family are respectfully invited to attend the funeral, from her late residence, No. 98 Macdougal st., 5th inst., at two o'clock.

LAIMBEER.—On April 4, 1876, at Amsterdam, N. Y., GEORGE LAIMBEER, after a long illness, in the 81st year of his age.

Notice of funeral hereafter.

LIGHTBODY.—In New York, suddenly, COLIN LIGHTBODY, aged 67 years.

Notice of funeral hereafter.

MEIN.—On Tuesday morning, April 4, at her residence, No. 329 East 18th st., MARGARET PRINGLE, wife of Robert Mein.

Notice of funeral hereafter.

MOORE.—At Elizabeth, N. J., on Monday, April 3, PERCY BRINTON, youngest child of Thomas and Constance R. Moore, and grandson of Colonel James Moore.

Funeral from Trinity church, Elizabeth, N. J., on Friday, at three P. M. Relatives and friends are invited to attend without further notice.

MORRIS.—Suddenly, on the 3d inst., ALICE BEERY, wife of Clark T. Morris and daughter of Philemon B. Beery, aged 25 years.

The relatives and friends of the family are invited to attend the funeral, from her late residence, No. 424 West 47th st., on Thursday, at ten o'clock A. M. Her remains will be taken to Woodlawn for interment.

MURPHY.—On Tuesday, April 4, MARY JANE, beloved daughter of Michael and Delia Murphy, aged 5 years, 4 months and 16 days.

The funeral will take place from the residence of her parents, No. 141 West 39th st., on Thursday, 6th inst., at one o'clock P. M.

NEMBACH.—On Tuesday, the 4th inst., at 6:30 A. M., after giving birth to a daughter, GERTRUDE JOSEPHINE, wife of George Nembach and daughter of Peter and Mary Ann Weiler, of Woodside, N. J.

NEWTON.—On Tuesday, April 4, MARY RYAN, the beloved wife of Alfred Newton, aged 27 years.

Relatives and friends are respectfully invited to attend her funeral, from her late residence, No. 228 East 46th st., on Thursday, at one o'clock.

ROBBINS.—Passed away suddenly, April 3, Miss MARY E. ROBBINS.

Relatives and friends are respectfully invited to attend the funeral, from her late residence, No. 104 Columbia st., Wednesday, April 5, at two P. M., without further notice.

ROSENBERG.—JOSEPH, eldest son of M. Rosenberg, 4½ years of age.

Funeral will take place on Wednesday, April 5, at three P. M., from 231 East 32d st.

SCHLOSS.—BENI N. SCHLOSS, beloved son of N. J. and Theresa Schloss, after a painful sickness, at the age of 2 years, 7 months and 10 days.

Relatives and friends of the family are respectfully invited to attend the funeral, Thursday, April 6, at nine A. M., from No. 218 East 53d st.

SMITH.—On Monday, April 3, ELLEN, the beloved wife of Philip Smith, aged 29 years and 4 months.

The relatives and friends of the family are respectfully invited to attend the funeral, on Wednesday, the 5th inst., from her late residence, 206 East 51st st., at half-past nine o'clock, to the Church of St. John the Evangelist, where a solemn requiem mass will be offered for the repose of her soul, and from thence to Calvary Cemetery for interment.

STURTEVANT.—After a severe and lingering illness, at twelve minutes to two, A. M., April 4, JOICE D., beloved wife of Timothy L. Sturtevant, in the 58th year of her age.

Relatives and friends are respectfully invited to attend services at her late residence, No. 227 West 29th st., this (Wednesday) evening, at five o'clock. Interment at Tarrytown Cemetery.

TAYLOR.—On Tuesday, April 4, CHARLES A. TAYLOR, third son of A. S. and the late Marcia M. Taylor, aged 27 years, 8 months and 20 days.

Relatives and friends of the family, and members of Progressive Lyceum, are respectfully invited to attend the funeral services, at Republican Hall, 55 West 33d st., on Thursday, April 6, at half-past nine o'clock A. M. Interment at Mount Pleasant Cemetery, Newark, N. J.

VALLOTTON.—On Monday morning, ELIZABETH, wife of James L. Vallotton and daughter of the late Robert Shiells.

Relatives and friends are respectfully invited to attend the funeral, from her late residence, No. 125 East 39th st., on Wednesday, at one o'clock.

WARD.—At his residence, 158 West 43d st., Monday, April 3, WILLET WARD, only son of Lucia and the late Moses Ward, in the 17th year of his age.

Funeral from the Church of the Holy Communion, 6th av. and 20th st., Wednesday morning, at ten o'clock.