THE COURTS.

Supplemental Chapter to the Mysterious Disappearance of Jose Holgado y Cruces.

Penalty of Picayune Speculations in Wall Street.

Necessity of Looking After Cellar Doors.

That was a curious, and, for the time being, rather an exciting story, the alleged kidnapping, and supposed robbery and possible murder of the Havana broker, José Holgado y Cruces. An addenda to the affair has just been developed in the courts. Genaro Fernandez charges that Augusto Moren was the moving spirit in this bogus kidnapping drama. In an affidavit of Fernandez's, submitted to Judge Donohue, the former states that in February last, through his agent, Rafael Vassello, he gave to Moren, a broker, then in Havana, $31,000 to invest for him in lottery tickets of the Royal Havana Lottery, and that instead of making such investment Moren appropriated the money to his own use. He has accordingly brought suit against Moren for the recovery of his money, and upon an order of arrest granted in the case Moren was taken into custody and taken to Ludlow Street Jail, where he is still a prisoner. Application was made to have this order of arrest vacated and Moren discharged, on the ground that the alleged cause of action against him was contrary to public policy and the contract for the purchase of lottery tickets void. In addition to the affidavit of Mr. Fernandez there was also submitted one by his agent, Vassello, stating that upon his applying to Moren for the lottery tickets he was to purchase with the money entrusted to him, the latter told him that he had handed the money over to José Holgado y Cruces, his partner, who had bought the tickets and left for New York city; that he then, with Moren, came to this city in search of the fugitive, and that then was concocted the kidnapping story—the intention of Moren being, as alleged, after the matter had blown over, to go to Europe, he having already obtained passports for that purpose. The Spanish Vice Consul in this city, P. Daniel di Rafort, makes an affidavit reciting contradictory statements in the case made by Moren, the first story being that José Holgado y Cruces had been robbed and probably murdered, and his next story, after the mystery of the whereabouts of the supposed murdered man had been discovered, that he had thrown away the lottery tickets he had purchased, having been told that it was unlawful to have such property in his possession in this country. He says further, Moren finally offered to compromise the matter by paying over $2,000 in gold doubloons and giving what is known as a deposit note for the balance of the amount claimed to be owing by him to Fernandez. The recital of William Molimown, a private detective, of his efforts to find the missing man concludes the affidavits against Moren. Judge Donohue refused to vacate the order of arrest, but granted an order to show cause why it should not be vacated, which will bring the whole matter up before him for review.

"PUTS," "CALLS" AND "SPREADS."

Clyde H. Rambo brought suit in the Marine Court to recover from Richard Baxter & Co. the sum of $109 37 as the profits resulting from an investment through defendants in what is called "puts," "calls" and "spreads," for which plaintiff paid defendants $53 13. Judge McAdam, yesterday, came to the conclusion that the defendants' answer is false, or (to use the Judge's words) that the defendant has been guilty of duplicity resembling that illustrated by the fable of the "Spider and the Fly." The letters of the defendant are fully up to the strategem displayed by the principal character in that little tragedy. "I am free to confess that the whole transaction, upon the defendants' part, looks very suspicious—to use a mild term—and to hold that in consequence the defendants should be held to the strictest good faith to their customer or principal. They should not be allowed to withdraw or gainsay the admission deliberately made in their letter by interposing in defence what is apparently a pretence, *e. g.*, that they do not now know whether the plaintiff's account was closed at a profit, when in their letter they assured the plaintiff that such was the fact. The defendants were acting in a confidential capacity and must be held to the maxim *Uberrima Fides*. Under all the circumstances the denial is evasive, and is interposed in bad faith, and ought not to receive the sanction of any court. The answer must be stricken out, with costs."

DEATH FROM AN UNSAFE DOOR.

On the 3d of July, 1875, Hannah Welsh died in this city. Subsequently to her death her husband, James Welsh, took out letters of administration and commenced a suit against Albert Homes to recover $5,000, charging that his wife's death was attributable to him by reason of his leaving a cellar doorway out of repair. The defendant denies that the cellar in which the accident occurred was "badly, wrongfully or negligently covered, secured or fastened, or that he ever had notice of any defect in its construction or fastening." As to all the other allegations of the plaintiff, the defendant interposes a general denial. It appeared by the testimony of plaintiff that, although his wife never felt well after the fall, and up to the time of her death, she was able to go about the house and attend partially to her domestic affairs; she was about eight days confined to her bed immediately preceding her death. The case is prosecuted on behalf of the plaintiff by Messrs. Spelissy, Leddy and Judge Goodlett, and defended by Senator Gross. It will be continued to-day.

BREACH OF PROMISE CASE.

In Supreme Court, Chambers, yesterday, before Judge Barrett, a motion was made to vacate the order of arrest granted against Pantalon Gumari at the suit of Johanna C. Busselman to recover $50,000 for alleged breach of promise of marriage and seduction. Counsel for Johanna stated, after reading her affidavit and hearing affidavits derogatory to her character read, that he only wished the plaintiff was present that he might show the Court a lady altogether too good for this Greek, Pantalon Gumari.

Judge Barrett, after hearing the argument, took the papers for examination.

"A PUT UP JOB."

In a cause tried before Chief Justice Shea, in the Marine Court, yesterday, John L. Meyers sought to recover from James Purcell the purchase price of a grocery store. It appeared on the trial that Purcell gave a $1,200 mortgage on some real estate for the stock of groceries, and claimed that this was all he agreed to give. The plaintiff's claim was that the mortgage was worthless, and, in any event, that it was given only as security. One witness was placed on the stand for plaintiff, who testified that the mortgage was both forged and altered, and that the whole thing was a "put up job," to which he himself and the defendant, Purcell, were parties, for the purpose of defrauding Meyers out of his stock of goods. The jury found in favor of plaintiff, and Judge Shea recommended his attorney to take such further steps as the testimony of the self-convicted witness made necessary. At the adjournment of court counsel for plaintiff appeared before Judge McAdam, and, submitting the necessary affidavits, obtained an order of arrest against Purcell, fixing his bail at $1,500.

THE PEOPLE'S SAVINGS BANK.

Permission has been given by Judge Donohue to Isaac V. French, receiver of the People's Savings Bank, to sue James Ingram, John W. Salter and Francis M. Smith. These three gentlemen were former trustees of the institution. They gave bonds in 1871 and 1872 to make up any deficiency in the bank assets. The Court also gives permission to commence suits for losses incurred by the bank through their payment of unearned dividends and for negligence in allowing Charles T. Rogers, the president of the bank, to misappropriate some $15,000. Receiver French was further authorized to proceed against Messrs. Ingram and Salter for damages arising out of investments in North Carolina bonds in the year 1868. An attempt will also be made to hold Mr. Smith responsible for not preventing the dividend made in July, 1874. An order to this effect was yesterday filed in the County Clerk's office.

THE CITY'S BAD PAVEMENTS.

A question which will be interesting to large numbers is promised adjudication in the courts. The question is simply whether the city is liable for injuries to a private conveyance caused by the streets being out of repair. Some time ago Mr. Charles A. Harriman was driving his coupe through Twenty-third street, and at the corner of Sixth avenue, in consequence of the pavement being in a bad condition, the vehicle was upset and demoralized to an extent requiring an outlay of $250 to put it again in proper running trim. He has brought suit against the city to indemnify him for the expense to which he has been put on account of such damages. On behalf of the city it was set up in the answer as a defence that he failed to submit his claim to the Comptroller prior to the commencement of the suit. Chief Justice Daly took the papers, reserving his decision.

SUMMARY OF LAW CASES.

The suit brought by the United States against the German Savings Bank, previously reported in the HERALD, to recover $30,000 for income tax and penalties, came to an abrupt termination yesterday. Judge Shipman refused to entertain the constitutional questions raised by defendant's counsel, and directed a verdict for the defendant, on the ground that the act of 1874 prohibiting further taxes on savings banks applies to suits commenced before its passage.

DECISIONS.

SUPREME COURT—CHAMBERS.

By Judge Barrett.

Miller vs. Brenham.—I think the motion should be granted without condition.

The Washington Life Insurance Company vs. Heisebhauer.—Motion granted and Mr. D. K. Schuster appointed receiver on filing a bond in $1,000.

Marshall vs. Cooper.—Action continued against the successors of John S. Marshall, deceased.

Nolan vs. Harris.—Cause restored to the calendar, and set down for the 18th.

Newton vs. Wiard.—It is doubtful whether this motion was the proper remedy, but as it is not opposed the respondent may take his order.

Stillman vs. Ellis.—Motion granted, and Charles Price be appointed guardian ad litem, on giving a bond in $1,000.

Jones vs. Hewlett.—Referred to referee on total allowance fixed. Decree granted.

Crooks vs. Otard.—Referred to take proofs and to pass the receiver's accounts, and to report what would be a proper compensation for the receiver's counsel.

Bell vs. Tilden.—Motion granted for third Friday.

Heller vs. Stevenson.—Motion granted.

In the matter of Crosley.—Motion for a stay of proceedings denied, without costs.

Partridge vs. Thayer.—The motion is evidently made for the purpose of delaying the trial of the cause. The plaintiff may take his commission if he is so advised, but the stay of proceedings is denied.

Cary vs. Connor.—Motion granted and Charles Price appointed receiver.

Reichert vs. Reichert.—The writ must be allowed with a stay; I do not understand how the magistrates could have rendered such a judgment on this testimony.

Oppenheimer vs. Deckelman.—Motion granted but let the plaintiff's attorneys have one day's notice of the settlement of the order.

In the matter of Kingsbridge road.—Reference ordered.

Littauer vs. Goldman.—Application denied. The objection can be taken upon the return of Judge Donohue's order to show cause, which is returnable at so early a day that the plaintiff cannot be seriously prejudiced.

Bogert vs. Bogert.—Report confirmed and counsel fee of $250 awarded to plaintiff's counsel.

Niven vs. Niven.—Report confirmed and $5 per week allowed as alimony and $100 counsel fee.

Kramer vs. Zwickert.—Motion denied without costs.

The Knickerbocker Life Insurance Company vs. Greene.—Motion granted for first Friday.

Chisolm et al. vs. Scott.—Report confirmed and judgment of deficiency granted.

McIntyre vs. McIntyre.—Report confirmed and judgment of divorce granted.

Sullivan vs. Johnson.—Motion granted.

Foley vs. Benedict.—Judgment ordered for plaintiff on demurrer as frivolous, with costs.

Burghaus vs. Spaulding; Cannuett vs. Handilode et al.; Gilroy and another vs. Scheld.—Motions granted.

Bower and another vs. Bell.—Motion granted for second Friday.

Greer vs. Richardson.—Plaintiff must serve a bill of particulars within five days or his proceedings will be stayed.

Braman and another vs. Snider et al.—Default opened on payment, within five days, of $10 term fees, $10 costs of motion and and disbursements for inquest and cause set down for the 10th inst. for trial.

James vs. Green.—Referred to take proof of the amount actually received by the defendant, Edward Green, and the amount lawfully disbursed by him, or which he may properly be credited with, and to report what sum said Green should be required to pay over to the plaintiff.

Van Wart vs. Stillman.—The motion must be granted without any condition as to the oral cross-examination of the witness.

The commission is under the Revised Statutes, and its provision must be strictly followed—that is, the interrogatories and cross-interrogatories must be annexed to the commission.

Carrigan vs. Shaw.—It is quite evident that there was collusion in the settlement and that the defendant should not be permitted by his own wrong to deprive innocent parties of their rights. The motion to discontinue must be denied, with $10 costs, and the stay vacated. The motion to substitute administrator as plaintiff must be granted.

Morrey vs. Lillienthal.—Motion for a readjustment granted. The plaintiff is only entitled to the costs which accrued subsequent to the order on which the costs of the cause were paid to him; this is the trial fee, allowance and disbursements. As to the items which he previously neglected to tax, he cannot tax them now, because he has been paid all the costs of the cause as he chose to adjust them, and he cannot go behind that settlement.

Timpson vs. Andrews.—The receiver does not hold the collaterals as general assets of the estate. He holds them under the same arrangement as the Van Krupts did. The matter pleaded is no defence to the note. The defendant can have his collaterals by paying the note or the judgment to be recovered on the note. Motion granted.

Breen vs. Muloch.—The attorneys have stipulated that they shall have a precedence on the calendar over other suitors in a case which is not preferred by law or rule, and ask the Court to grant the order "upon consent." This practice is not favored. This motion must be denied, but, as both parties are at fault, without costs.

Stanley vs. Chamberlain.—The facts disclosed are exceedingly suspicious, and the plaintiff should have the fullest opportunity of probing them to the bottom. The motion to dissolve the injunction should be denied, with $10 costs, to be paid by Reno.

By Judge Lawrence.

Moore vs. Tallcot.—Order granted.

By Judge Donohue.

Barnett vs. Brennan; Roebling vs. Duncan; Mander vs. Mander et al.—Motions granted.

Matter of Priestly; Stevens vs. Wrisley; matter of Teads; matter of Kissam; matter of Falk, &c.—Granted.

The Mutual Life Insurance Company vs. Wemple.—Guardian cannot consent.

The *Tribune* Association vs. the *Sun* Printing and Publishing Association; Smith vs. Armstrong; De Embil vs. Ramirez; Lansing vs. Lansing.—Orders granted.

Fernandez vs. Moren.—Motion denied. The case seems to me one of gross fraud, and the defendant should be held.

Fernandez vs. Moren.—Leave to renew granted. (See Code, sec. 173, and How., 346.)

The Society for the Reformation of Juvenile Delinquents, &c., vs. Mack et al.—Order granted continuing injunction.

Wieck vs. David; Williamson vs. Cobb.—Motions denied.

Bergen vs. Raymond et al.—Order it correct.

Eaton vs. Eaton.—Report of referee confirmed and decree of divorce granted to plaintiff.

Seibt vs. Bauzer.—Order settled.

THEFT THROUGH STARVATION.

John Gross, of No. 157 Houston street, was charged by Anthony I. Fisher, 162 East Fifty-ninth street, with having stolen a faucet valued at $1 50. Gross is a German, and seemed to feel his position keenly. On being asked what urged him to commit the deed, he blurted out, amid much sobbing, that his wife and children were starving, and that they must have something to eat. The Judge said that he sympathized with him, but that he was compelled to hold him to answer in $300 bail at the Special Sessions, where he will in all probability be discharged. His wife and children will in the meantime be cared for.

COURT CALENDARS—THIS DAY.

SUPREME COURT—CHAMBERS—Held by Judge Barrett.—Nos. 36, 67, 88, 89, 99, 112, 169, 180, 195, 197, 201, 214, 220, 221, 237, 238, 252, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 300, 302, 310, 331, 332, 36.

SUPREME COURT—SPECIAL TERM—Held by Judge Van Vorst.—Demurrers—Nos. 2, 6, 7, 19, 20. Law and fact—Nos. 222½, 293, 243, 145, 129, 119, 120, 19, 414, 163½, 312, 318, 328, 329, 330, 331, 332, 333, 335, 336, 338, 340, 341, 342, 343, 344, 345.

SUPREME COURT—CIRCUIT—Part 1—January term continued, held in General Term room—Held by Judge Barrett.—Case on—No. 1227. No day calendar. Circuit—Part 1—Held by Judge Lawrence.—Nos. 1347, 2524, 2525, 1556½, 1557, 1125, 357, 483, 1405, 1407, 1437½, 1409, 1415, 1417, 1419, 1423, 1423½, 1425, 1425½, 1427. Part 2—Held by Judge Brady.—Nos. 2338, 380, 1386, 1398, 1400, 1824, 858, 860, 893, 1258, 2698, 1322, 1026½, 1042, 1125½, 1268, 736, 2404, 2852, 1494, 1422, 1424, 1424½, 1426, 1428, 1430, 1318, 872, 2110, 1046, 1442, 2808, 2381, 2372. Part 3—Held by Judge Larremore.—Case on—No. 1916. No day calendar.

SUPERIOR COURT—GENERAL TERM—Held by Judges Curtis and Sanford.—Nos. 9, 13, 20, 23, 25, 27, 30, 32, 34, 37.

SUPERIOR COURT—SPECIAL TERM—Held by Judge Speir.—No day calendar.

SUPERIOR COURT—TRIAL TERM—Part 1.—Held by Chief Justice Monell.—Nos. 1675, 923, 1531, 297, 741, 627, 919, 865, 1361, 699, 893, 975, 979, 1003, 949. Part 2—Held by Judge Sedgwick.—Nos. 1012, 800, 716, 869, 718, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032.

COMMON PLEAS—EQUITY TERM—Held by Judge C. P. Daly.—Nos. 11, 12.

COMMON PLEAS—TRIAL TERM—Part 1—Held by Judge Robinson.—Case on, No. 1975. No day calendar. Part 2—Held by Judge Van Brunt.—Nos. 1454, 2284, 1684, 1308, 1467, 728, 1469, 2407, 2285, 1852, 1853, 1854, 1856, 1857, 1858, 1860, 1861, 1862, 1863, 1864, 1865, 1866. Part 3—Held by Judge J. F. Daly.—Nos. 1798, 1650, 1665, 1525, 1365, 2124, 1530, 1747, 1534, 1868, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1880.

MARINE COURT—TRIAL TERM—Part 1—Held by Judge Alker.—Nos. 7096, 5002, 2280, 2849, 1792, 3925, 6977, 3360, 6820, 7221, 6706, 4071, 4013, 4014, 4015. Part 2—Held by Judge Sheridan.—Nos. 3139, 3140, 5912, 3844, 7108, 5640, 7047, 4427, 3749, 5840, 7328, 3816, 5768, 6893, 3942. Part 3—Held by Judge Shea.—Nos. 6224, 6010, 3598, 6227, 5390, 6882, 6996, 7031, 6531, 4716, 6792, 5783, 7243, 6907, 6805.

COURT OF GENERAL SESSIONS—Held by Recorder Hackett.—The People vs. Henry Bishop, felonious assault and battery; Same vs. Henry Stephens, felonious assault and battery; Same vs. Fannie Desira, felonious assault and battery; Same vs. Erich Ruyter, robbery; Same vs. Bout Prentice and John Green, burglary; Same vs. George Lockwood, burglary; Same vs. Jennie Williams, burglary; Same vs. James A. Kernan, grand larceny; Same vs. George Wilson, grand larceny; Same vs. Jane Lochran, grand larceny; Same vs. Joseph Leroy, grand larceny; Same vs. Lawrence Lamb, grand larceny; Same vs. Francis Kelly, grand larceny; Same vs. Jonas Smith, grand larceny; Same vs. John Leonard, petit larceny; Same vs. John Lovelock, petit larceny; Same vs. John Rielly, petit larceny.

COURT OF APPEALS.

ALBANY, April 5, 1876.

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

The People vs. Horton.—Argument resumed and concluded.

No. 60. The People, ex rel. Douglas Taylor, vs. Thomas Dunlap, respondent.—Argued by A. Oakey Hall for appellant and William M. Evarts for respondent.

No. 131. John Hogan, appellant, vs. William Lambier, respondent.—Submitted.

No. 133. Henry Vandenburgh and others, respondents, vs. The President, &c., of Greenbush, appellants.—Submitted.

No. 134. Powell vs. Powell.—Passed.

No. 135. Brown vs. Burhaus.—Passed.

No. 136. Elizabeth Robinson, respondent, vs. The New York Central and Hudson River Railroad Company, appellant.—Argued by A. P. Laning for appellant and J. H. Martindale for respondent.

No. 139. Henry Moriforst, respondent, vs. The New York Central and Hudson River Railroad Company, appellant.—Argued by A. P. Laning for appellant and J. H. Martindale for respondent.

Adjourned.

CALENDAR.

Nos. 142, 18, 30, 114, 148, 95, 112 and 150.

ANDREAS FUCHS ON TRIAL.

OPENING OF THE CASE FOR THE PROSECUTION—THE DETAILS OF THE SICKENING TRAGEDY.

Andreas Fuchs, the Alsatian, who is charged with having, on Friday, January 27, murdered William Simmons, was placed on trial for his life yesterday in the Kings County Court of Oyer and Terminer, Judge Pratt and associate justices presiding. The circumstances attending the tragedy are familiar to the public, being of recent occurrence.

Yesterday morning the prisoner was brought into court about ten o'clock and took his seat in a corner by the side of Officer McMahon. He looked serious and was rather nervous in his bearing. His black mustache was waxed into a sharp point, and he was dressed in a coarse dark suit.

District Attorney Britton opened the case for the people, stating briefly the circumstances of the case as follows:—The prisoner is indicted for the murder of William W. Simmons, a foreman in the shop of Jones & Henry, Fuchs being employed as a helper for the deceased. The murder was committed at the house of the prisoner. The wife and child of the latter were on the premises at the time. Fuchs had stripped the flesh deliberately off the bones of the body, burying portions of it in a lot some distance away. The limbs he cut off. The liver he put in a stove on which he cooked his meals. For atrocity it has no parallel in the annals of crime. It has been suggested that there was impropriety between Simmons and Fuchs' wife and that it was that fact which formed the motive for the act. The motive to the butchery of the body may be found in the desire to conceal the horrid crime, which would show that he realized the nature of the offence. The wife by law is not a competent witness in this case. The little girl is young, and she is wholly untruthful. She tells one story one day and another at another time, so that she would not be called as a witness. The question for the jury to decide would be whether it is murder in the first or in the second degree. If the jury find it was designed and deliberate murder, then it will be murder in the first degree. If they find it was an idea formed on the moment by some great wrong or provocation, then it would be murder in the second degree. They were not to be guided by the subsequent cutting up of the body. The crime is in the killing, and the law and the evidence should be their guide in forming their verdict.

TESTIMONY FOR THE PROSECUTION.

George Volkins, the first witness called, resides corner North Third and Third streets; is a liquor dealer by occupation; knew Fuchs and Simmons; they worked nearly opposite his store; saw Simmons on Thursday night prior to the day he was killed; deceased entered with Fuchs and called for drinks, which he paid for in stamps taken from a leather pocketbook; the two men went out together; about three hours after that the prisoner got a pint of beer there; about half-past nine or ten o'clock that night he got another pint of beer; on Friday afternoon he was again in the store for beer; there was nothing particular about the manner of Fuchs on Friday or Saturday.

On cross-examination witness testified that the relations between Simmons and Fuchs when in his store always appeared to be of a friendly nature.

Herbert Simmons, residing at No. 421 Second street, testified that he saw Fuchs in a saloon in North Second street two months before the murder; on Saturday, January 29, he saw the prisoner carrying a basket on his arm—that was on First street, near North Seventh street, going in the direction of Greenpoint; that was about five minutes past twelve; did not know what was in the basket.

Patrick Costello testified that he resided in Greenpoint; on January 29, in Milton street, he found the head of a man; it was lying between a pile of timber and a fence, 100 feet from West street; called two men named McKenzie and Rooney respectively; they saw it too; word was sent to the station house, and Officer Knapp came down and took charge of it.

Patrolman Knapp, of the Seventh precinct, testified to his having removed the head from the pile of lumber to the station house, where it was identified by Mr. Jones as the head of William Simmons.

Willis Jones, of No. 195 South Third street, testified that he is a manufacturer of axles and springs; Simmons had been running a "trip hammer" in witness' employ for about three years; deceased was fifty-five years of age; Fuchs was a helper, and got $10 a week; Simmons worked contract work, and paid Fuchs; on Saturday, the 29th of January Fuchs came to get a balance which was due him; witness called to see the prisoner at the jail and told him that he was "a bad man, that he had killed Mr. Simmons;" Fuchs replied, "I cut his damned head off, and I am glad of it, and would do it again;" that was the Monday after the Thursday of the killing; Fuchs said he had buried part of the remains in the flats three miles off—in the meadows across Graham avenue.

Detective Short, of the Fifth precinct, testified to having made an examination of Fuchs' house on Sunday, January 30, between one and two o'clock; Fuchs was mixing a pail of lime, and there were marks on his hands which witness asked about; Fuchs took out a knife and cut his own finger; under the bed witness found a pail nearly full of flesh; in a tin wash boiler at the foot of the bed he found the trunk of a man; the flesh had been all scraped off, excepting under the arm pits; found a hatchet, an axe and a knife; in a trunk were found legs and arms; in a stove was found the heart and lungs; Detective Corwin found two pocketbooks in a drawer in the house; also a dollar bill, four twenty-five cent pieces, spectacles, some silver coin and a silver watch and chain. [Witness identified the articles named, and pointed out on a diagram the place where each of the things enumerated were found.] On the Monday following, in a gully in the meadows, witness, in company with Fuchs and other officers, found six pieces of flesh, which were pointed out by the prisoner; witness was present when the pan containing lime and lungs was taken from the cooking stove at Fuchs' house.

Dr. Brady testified that he examined the remains found in Fuch's house, and they were those of a human being; there were missing from the house at that examination the head, neck, liver, intestines and pelvis; in the fire were found several small bones; in an oven the lungs were found in a stew pan, and had been cooked; the chest part was cut off, and, with part of the back, was in a wash boiler at the foot of the bed.

The Court here, at ten minutes after four o'clock, adjourned till ten o'clock to-day.

THE MOULTON-BEECHER SUIT.

Judge Dykeman yesterday rendered his decision in the matter of the argument of counsel for Francis D. Moulton in the suit brought by him against Henry Ward Beecher for malicious prosecution. The argument, which was heard before Judge Dykeman, of the Supreme Court, in the first week of April, was to set aside the demurrer.

Judge Dykeman holds that the indictment against Moulton remains in full force; that it has not been passed upon judicially in any way; that it has not been before the Court at all; that it simply has upon it an indorsement of the intention of the District Attorney not to prosecute; that the Court has not ordered this nor passed upon the question whether it should be done or not; that it has simply made an order giving the District Attorney leave to do it, and that this is all the Court has power to do, and is all it does. For this reason the plaintiff is allowed to amend his complaint, it being held that a nolle prosequi does not terminate a prosecution.

DOLAN'S LAST APPEAL.

THE CONDEMNED MAN WRITES TO GOVERNOR TILDEN—HE REVIEWS HIS OWN CASE.

Dolan, the condemned murderer, yesterday sent the following appeal for Executive clemency to Governor Tilden:—

CITY PRISON, NEW YORK, April 5, 1876.

To His Gracious Excellency, SAMUEL J. TILDEN:—

SIR—On Tuesday morning, 4th inst., the sad intelligence was by my counsel imparted to me that the Court of Appeals had ordered an adverse opinion to my appeal to that high and final tribunal for a new trial, thereby sustaining the awful judgment imposed on me by the Court of Oyer and Terminer.

I am not sufficiently educated in the law to review or catechise the opinion of the learned gentlemen composing the Court of Appeals relative to my case; but, conscious of my own innocence of the terrible crime for which I have been unjustly condemned, I can look upon it only in the light of a grievous wrong to me, not intentionally committed, but no doubt based upon the evidence as presented on the trial by the prosecution from those entirely unworthy of belief in a case involving the liberty or life of a human being. I am now standing almost upon the verge of the grave; the shadows of eternity seem gathering fast around me; too soon, perhaps, they envelop me forever in their saddest gloom, and with this belief with terrible force resting on my mind looking upward to Him who knows the secret of every heart, I solemnly declare that I am guiltless of the offence for which I have been sentenced to an ignominious death. None more earnestly deplore the death of Mr. Noe than the wretched one who now addresses you and who is in no way responsible for the cruel injuries inflicted on him that robbed an affectionate wife of a kind and endearing husband and a tender family of a devoted father. My earnest hope was that a new trial might have been granted me; that in the event of such by the evidence I am certain could be produced my innocence could be firmly established. It is, indeed, a cruel dispensation to suffer for the crime of another, and leave a name stained with the blight of a fearful deed, that could be rendered spotless and pure by a patient and impartial investigation of facts and circumstances connected with the defence. This was not done on my trial, as, for reasons beyond my comprehension, the conclusion was too hastily drawn that I was the real offender in the case, and the public mind accepting of that inference I was sacrificed to the popular indignation excited against me. The only circumstance that connects me with the offence was the possession of the watch, and which by me was honestly obtained, and, had the slightest suspicion engaged my mind that it was the fruits of a crime so abhorrent to my nature, I would have shrank from the acceptance of it for any purpose whatever. It is evident that the fate that has long threatened me has warned the real perpetrator of the crime to flee from justice that should be meted out to him, and in the safety he has sought he has abandoned me, innocent as I am, to the vengeance of the outraged law. In this awful position in which I am placed my only hope is in the only earthly power that rests in your hands that can avert the doom that to contemplate is frightful to me. I have those who love me as well as the unfortunate gentleman who fell a victim to the insane passion of his slayer and who know of my innocence. They plead to you with me that, as the years may pass away and repentance and contrition may pierce the heart of the murderer of Mr. Noe, my innocence may be known to the world and my vindication be satisfactorily shown to those who now condemn me. With an humble, an imploring heart, I am yours,

JOHN R. DOLAN.

BOARD OF EDUCATION.

MORE SPACE AND AIR FOR CHILDREN IN THE PUBLIC SCHOOLS—POISONOUS AIR OF THE NORMAL COLLEGE—A LIVELY DEBATE ON THE SEVENTH WARD TRUSTEESHIP.

The regular meeting of the Board of Education was held yesterday, President Wood in the chair.

A communication was received from the Woman's Centennial Union, asking permission to raise, in each of the schools, subscriptions to establish a permanent fund to found medals of honor to be presented annually for distinguished scholarship. This, it was said, would be a fitting memorial of the active participation of these schools in the celebration of the Centennial and would promote educational interests. Referred to the Committee on Bylaws.

A communication was read from two engineers, condemning the atmosphere of the Normal College Training School as poisonous.

The clerk then read a communication from the Committee of the Medico-Legal Society, appointed to confer with the school authorities with a view to legislation to promote the health of the school children. The committee suggested, in regard to the amount of air space required, that the principals of schools, zealous in their desire for a large number of pupils, and in their competition in this respect with neighboring schools, often, also, urged and harassed by the constant importunity of parents have, in many instances, crowded their class rooms by admitting more pupils than they could properly accommodate. Such crowding was not consistent with physiological laws or with the opinions of those whose scientific judgment was entitled to deference. Entering into a scientific analysis of the atmosphere in the schools, the communication goes on to show the deleterious effects of an excess of carbonic acid gas in the air. Upon inquiry of teachers, the committee learned that it was not uncommon for children to return to school two or three weeks after having scarlet fever or measles, and that there was no surveillance whatever in this regard for the protection of the schools against contagious diseases. The minimum age for admission to the school should, the committee believed, be eight. They regarded confinement and labor in school in constrained positions and breathing bad air at the tender age of less than eight years as being destructive to both physical and mental powers, and in every aspect wholly inexcusable. For the same reasons they would make three hours the maximum daily attendance upon the primary departments of schools. Every individual actually poisons fifteen cubic feet of air every hour. Thirty cubic feet at least should be provided hourly, which proportion for five hours' daily school session requires 150 cubic feet as the smallest space compatible with efficient ventilation, without dangerous exposure to draughts.

Referred to the Committee on Heating and Ventilation.

The report of the Superintendent of Truancy from March 15 to April 4, showed the total number of cases investigated by the agents was 1,380. Of this number 1,061 were not classed as truants, leaving 319 truants and non-attendants, of which number 317 have been returned and placed in school, and two committed to the care of the Society for the Reformation of Juvenile Delinquents.

OVERCROWDING THE SCHOOLS.

Commissioner West presented a report from the Committee on Bylaws, Elections and Qualifications relative to the capacity of the school buildings and class rooms, and the subject was made the special order. The report set forth that, after a careful consideration of the report referred to the committee and of the whole subject to which it pertains, they are satisfied that many of the class rooms, particularly in the primary departments and schools, are much too crowded. The report suggested the amendment of section 33, page 99, of the Manual, by adding thereto the following at the foot of page 104:—"13. It shall be the duty of every principal to reject all applications for the admission of pupils into any school or class whenever the room occupied by the same is filled to the extent of its sitting capacity. In fixing the sitting capacity of rooms the following shall be a minimum allowance of floor surface and air space per pupil:—In the three lower grades of primary schools and departments, five square feet and seventy cubic feet; in the three higher grades, six square feet and eighty cubic feet; in the four lower grades of grammar schools, 7 square feet and 90 cubic feet; in the four higher grades, 9 square feet and 100 cubic feet. In the admission of pupils those residing the nearest to any school shall in all cases have the preference. All rejected applicants shall be sent to the nearest school having accommodation for them."

Commissioner Halstead submitted that, while he was not opposed to the adoption of the report, he thought it was a matter of great importance and should not be acted upon hastily.

Commissioner West cited several instances of overcrowding and contended that the report should be adopted.

Commissioner Fuller considered that the overcrowding of the schools could not in some cases be helped. They might as well try to regulate overcrowding in the street cars as in some of the schools. If the Board were prepared to expend half a million of dollars for improving the condition of the schools then the report might be adopted.

Commissioner Goulding warmly advocated the adoption of the report. He said he did not think there could be any parallel between this law intended to be adopted and the law which governed the city railroad cars. In the cars there was frequently not standing room, but up to this time the schools had not reached such a deplorable condition. The question now arose whether a certain number of children were to be huddled together and become afflicted with disease or were they to be permitted to enter properly ventilated schools for the purpose of being instructed. The law in question referred particularly to the primary department of the grammar schools.

Commissioner Hazeltine said that, although he signed the report for the purpose of bringing the matter forward, he thought there should be no undue haste.

Commissioner Walker moved an amendment after the words "100 cubic feet," that the seating capacity, in accordance with the provisions of the law, be conspicuously posted in each room. Adopted.

Commissioner Schell moved that the report of the committee be laid upon the table. Seconded by Commissioner Fuller.

Mr. Mathewson submitted that, as the representatives of the people, the Board should not hesitate one moment to pass this important measure.

Commissioner Schell's motion was then put and lost by a large majority.

THE RESOLUTION ADOPTED.

President Wood then announced the original resolution on the adoption of the report, which was carried amid applause, Commissioners Hazeltine, Halstead, Fuller and Schell voting in the negative.

THE VACANT TRUSTEESHIP OF THE SEVENTH WARD.

The Committee on Trustees, recommended the appointment of Mr. Thaddeus Moriarty as one of the school trustees of the Seventh ward, vice Mr. L. G. Goulding, now one of the Commissioners of Education.

Commissioner Hazeltine said that although the report set forth that five members of the committee had voted for Mr. Moriarty there could now be found only four who would state how they voted, and as there appeared to be some mistake about the matter he moved that it be referred back to the committee.

Commissioner West said he was a member of the committee that voted for Mr. Moriarty, and he could positively assert, under oath if necessary, that the gentleman received five votes. He paid a high tribute to the personal character and standing of Mr. Moriarty, and submitted that the proposition to refer the matter back to the committee was improper.

Commissioner Fuller thought as there seemed to be some doubt about the affair it would be well for the committee to reconsider it.

Commissioner Goulding delivered a vigorous address in support of the committee's recommendation. He did not hesitate to say, and he was responsible for what he said, that undue influence had been brought to bear against Mr. Moriarty and in favor of somebody who would be prepared to advocate certain interests in a certain school. He demanded a vote on the question, that it might be seen exactly where they stood. He hoped that narrow mindedness would not prevail in this Board against the interests of the schools. Mr. Moriarty was presented as the choice of a majority of the committee, and the question should be decided one way or the other.

Commissioner Eugene Kelly said he had voted for Mr. Moriarty, and five votes had been cast for him by the committee. If there were gentlemen present opposed to Mr. Moriarty they would have an opportunity to vote against him, but he did not think it was a manly thing to try to send the report back to the committee.

Commissioner Hazeltine's motion to refer it back was then put and lost.

Commissioner Halstead then moved to substitute the name of F. S. Gardiner, of Madison, in place of Mr. Moriarty. The motion was lost.

President Wood then put the original resolution on the adoption of the report nominating Mr. Moriarty as School Trustee of the Seventh ward, which was carried.

After the transaction of some routine business the Board adjourned.

HEALTH IN PUBLIC SCHOOLS.

Several ladies whose daughters attend the High School in Bay street, Jersey City, have waited upon one of the physicians of the Board of Health and complained that their children are compelled to go out of warm classrooms and pass through cold and damp halls and go up and down stairs for the purpose of reciting lessons before various teachers, and that in consequence many of the pupils were taken sick. Only a few weeks ago the attention of the Board of Education was directed to the custom of female teachers being compelled suddenly to leave a warm room and watch the pupils while in the playground, from which many cases of sickness resulted. The order has been greatly modified since.

METHODIST CONFERENCES.

NEW YORK EAST CONFERENCE—FIRST DAY'S BUSINESS.

The New York East Conference met yesterday in Hanson place Methodist Episcopal church, Brooklyn. Bishop Harris presided, and the Rev. D. A. Goodsell was elected Secretary, and his assistants were Revs. D. O. Ferris, W. H. Simonson and Charles Backman. The roll was called and very few ministers failed to answer to their names. The hours of session were fixed at from 9 A. M. to 12 M. daily, with one hour's prayer meeting preceding. The standing committees were appointed, and were directed to present duplicate reports.

In presenting the condition of the New York district Dr. Kettell considered its spiritual condition as remarkably healthy and prosperous. Some marked improvements in church building and repairs have taken place, but the debts have been increased at the same time. At Springdale, near Stamford, Conn., a new church has been erected at a cost of $2,300, and a parsonage also. Another parsonage has been built for the Sixty-first street church in this city. And while $40,000 of debt have been paid off by this church within the past eighteen months there still remains on it a mortgage debt of $40,000 and a floating debt of $10,000. The church at Mianus has a debt of $10,000, and several churches in the district have either increased their debts or have not reduced them.

The Rev. M. Henson wished the presiding elders, while reporting the condition of their districts, to report also whether they had received more than their proportion of salary while the pastors may have been left unpaid. He knew of some such cases and had heard of others.

The trustees of the Conference handed over $500 to the stewards. Revs. G. W. Woodruff, of Providence, Professor Higgins, of Wisconsin, and Dr. Rust, of the Freedmen's Aid Society, were introduced. An interesting letter was read from the Rev. Samuel Dunn, a member of the Conference, but now a resident of Hackney, London, England. He sent a draft for £10 to be divided between the superannuated preachers and the missionary and other societies of the Church. Brother Dunn is seventy-nine years of age, and during the past year he has travelled over a great part of the south and southwest of England, preached ninety-six times, and regretted that he could not do more. He has been fifty-nine years in the ministry, and eight years ago was in this country and addressed the Conference. Dr. De Vinne addressed the Conference briefly yesterday. Last year was the first time for fifty-seven years that he had failed to be present at Conference. He was then too feeble. He is now in the eighty-fourth year of his age and the fifty-eighth of his ministry. Julius Field, another patriarch of the Conference, had a few words of encouragement for the Conference. He had been in the ministry about fifty-four years, and was one of the first to establish Methodism in this city. He was the first pastor that Willett street church had, fifty years ago.

The Conference fixed Friday, at ten A. M., as the time to elect delegates to the General Conference.

AN EXPLOSION PREDICTED.

If the intimations of Rev. G. L. Taylor become true there may be an explosion in the Conference before it finally adjourns. Some years ago the Conference, through one of its committees, appointed "His Excellency of Jerusalem," Dr. De Haas, an agent, with a salary, to gather funds for a Conference Seminary. There was a great institution on paper; lands and lots and buildings were given in Stamford, and ample endowments—all on paper. The Conference have now nothing more or better to show in this line than the claims and bills of Dr. De Haas, for time, labor and travelling expenses for two or more years. After hanging fire for six or seven years it now appears that a comember of the committee with Mr. Taylor had funds enough in his possession to settle this claim and get rid of it forever, but has appropriated the money to other purposes. He did not want to go into details before the Conference, and, therefore, suggested the appointment of a committee, not heretofore connected with this peculiar case, who should hear all the testimony and report to the Conference the action necessary to be taken. Though Dr. Kettell and Mr. Buckley did not think there was anything explosive in the matter, yet, on motion of the latter, such a committee was appointed.

THE HISTORICAL SOCIETY'S MEETING.

In the afternoon the Conference Historical Society, provided for a year ago, held its first meeting, adopted a constitution and bylaws and elected officers. The design of this society is to gather up and preserve all sermons, manuscripts, obituaries, &c., which bear in any way, however remote, upon the progress of Methodism within the bounds of the Conference. The Conference sermon was preached in the evening by Rev. W. R. Davis.

NEW YORK CONFERENCE.

The eighty-sixth annual session of the New York Conference of the Methodist Episcopal Church commenced yesterday morning in the Free Tabernacle of the city of New York, on West Thirty-fourth street, near Eighth avenue. The conference is attended by 279 members, representing the Methodist Episcopal Church throughout the State. At nine A. M. yesterday the Conference was called to order, and the business of the session begun, under the presidency of Bishop R. S. Foster, D. D. Brother Alexander McLean acted as secretary; Presiding Elders, M. D'C. Crawford, William Goss, A. R. Sanford, E. S. Osbon and J. Y. Bates. The report of the Committee on Applications nominating ten applicants for orders was accepted and adopted, and the applicants were duly elected. The members of the Conference then listened to the remarks of several veteran ministers, after which the chair was taken by Bishop Ames. Routine business continued until twenty-five minutes past twelve P. M., when the Conference was adjourned until this morning at nine o'clock, when the committee will report.

In the evening a national centennial service was held in the same church, presided over by Bishop Foster. The edifice was filled with delegates and the representatives of the several churches in this city and its vicinage. After singing the "Star-Spangled Banner" the 1029th hymn was read by Mr. P. R. Brown. Prayer was then offered by Mr. J. Miley, and selections of the Scriptures were read by Mr. J. Holdich. The centennial sermon was delivd by A. M. Osbon, D. D., after which the choir sung the "Battle Hymn of the Republic." The services were closed with the Doxology and benediction.

This morning the conference session will begin at nine o'clock. The anniversary of the Ministers' Mutual Assistance Society will be held at three P. M., and at half-past seven P. M. the missionary sermon will be preached by Winslow W. Sever.

MOODY AND SANKEY.

The audiences at the Hippodrome yesterday were larger than they have been for some days owing unmistakably to the improvement in the weather. At the noonday services Rev. Drs. Stephenson and Fletcher, of Dublin, addressed the assemblage and told them of the happy result of Messrs. Moody and Sankey's labors in Ireland.

The afternoon meeting, which was composed mostly of women, was addressed by Mr. Moody and Rev. Dr. Booth. A number of children from the Colored Orphan Asylum were present, and sang "Hold the Fort." Mr. Moody spoke on "Regeneration," and in the course of his discourse spoke of the value of the Bible. He said, "You are making a great time now about taking the Bible out of the public schools, but you had better see that it is not taken out of your churches. How many of you read the Bible? How many of you in this large crowd have the Bible here with you to-night?"

TRINITY'S NEW CHAPEL.

Work has been begun at the Bowery and Houston street for the new chapel of St. Augustine, Trinity parish. The buildings for church and school purposes will be of stone, 87 feet by 220, and surmounted with a spire 227 feet high.

FIVE POINTS MISSION.

The annual reception of the Five Points Mission school will be given this afternoon. The exercises will consist of recitations, choruses and dialogues. Addresses will be delivered by Dexter C. Hawkins and R. A. Birde, distribution of prizes and certificates closing the programme.

IS IT JUSTICE?

Mrs. Bebi Annie Bennett, who resides at No. 450 Second avenue, yesterday told the following story to a HERALD reporter:—"For many years past my husband has been a drunkard. He is in the habit of coming home at very late hours and cruelly beating me. He almost always arrives at the house in liquor, awakens me and my three children and then begins his abuse. I have endured this kind of treatment for months and months at a time without complaint, but of late his conduct toward me has been so violent that, urged by all my friends, I had him summoned to appear before Judge Duffy, of the Fourth District Court, to-day, at ten o'clock A. M. He appeared at the hour appointed, and all that I wanted the Judge to do was to hold him over to keep the peace. With my husband appeared a friend of his, who approached the Judge and had a conversation with him. My case was not called up at all, although many summonses served after mine were, in my presence, finally disposed of. I then went up to the Judge and told him my grievances; he treated them lightly and said that the whole thing could be amicably settled by both of us signing the temperance pledge; I told the Judge that there was no necessity for me to sign the pledge, and that if my husband signed it I knew from my previous experience that he would not keep it. At the same time I assured Justice Duffy that I did not wish to proceed criminally against my husband, but simply desired him to be placed in a position where he could not be cruel to me without suffering the penalty of the law. The Judge refused to listen to me, and finally informed me that if I did not keep quiet I would be sent below. Hence the case is the same as it has been for months. My husband a drunkard, myself a victim of his abuse, and my children forced nightly to behold the fearful example of their father. Is this right?"

This simple story was told in a manner tearful and pathetic, while the neat, lady-like appearance of Mrs. Bennett gave every assurance that it was true.

COAST DANGERS.

Another Wreck on Flat Beach, Long Island.

THE SOLE SURVIVOR'S NARRATIVE.

Land Pirates and Their Peculiarities.

The schooner Helen J. Halloway, which went ashore on Flat Beach, about nine miles east of Fire Island, at four o'clock on Tuesday morning, will in all likelihood prove a total loss. She stands firmly fixed in the sand, with her head straight to the shore, full of water. Her cargo consists of 300 hogsheads of sugar and ten casks of molasses, and is insured by the Atlantic Insurance Company. The vessel, which was worth probably $25,000, was mostly owned by the Messrs. Holley, of Machias, Me. The vessel is about 230 tons burden, and is a neat, trim craft. The sole survivor of her crew, Jackson Beale, of Machias, is still on the beach opposite Sayville, L. I. He is a sturdy looking, intelligent Eastern sailor. Beale says the Halloway left Cienfuegos thirteen days before the disaster occurred which proved so fatal to his shipmates. The weather on the trip had not been very bad. It took them seven days to reach Hatteras, and the remaining portion of the time was consumed on the way to the point at which the unfortunate vessel struck. The crew of the Helen J. Halloway were mostly young men, and it appears the Captain had totally miscalculated his position, and to this fact the disaster is to be traced. According to Beale's story the Captain judged himself 120 miles from Montauk Point at noon on Monday. His intention was to stop off that point in case the weather proved unfavorable and when all was fair to run down by Block Island and so on his course to Boston. He had no business and no intention of coming on the side of the island at which the vessel struck. Running soundings were taken during the day on Monday and also at midnight on Monday night and at the latter time there was found to be thirty-three fathoms of water. In consequence of this discovery no precaution was taken against danger ahead, for none was feared. As the night wore on, however, and the breeze stiffened, sail was taken in, and when the schooner struck the sand she was running under a double reefed mainsail and jib. When about 300 yards from shore the men on the schooner heard the roar of the breakers, but it was too late to avert the impending danger by an effort to shift her yards. The Captain thought, however, that he was running

ON AN OUTSIDE SHOAL,

and hoped to do something toward saving his vessel by letting go his anchor. To accomplish this the men set to work, but had only gotten it over the side when she stuck fast. Panic must then have seized all on board, for they hurried to do the last thing they should have done. The yawl was lowered, and they all got in, the Captain taking with him his chronometer and some of the ship's papers. Jackson Beale was the last man to step into the yawl, and just as he sat in the bow, before his comrades had time to ship their oars, a heavy sea struck the boat and overturned her in the breakers. Beal says that when first thrown out of the yawl his feet touched bottom; but so strong were the breakers that he was tossed and tumbled over and over, until through sheer good fortune he found himself standing in a few inches of water, about a hundred yards to the westward of the ship. It was still very dark, and he continued for an hour or more to hover about his ship, which then stood almost broadside to the shore, heading to the west. But he soon saw that no one of the seven but himself escaped, and Beale, as the day broke, found his way first to the government house, about half a mile to the westward. There was no one there, however, the custom being to withdraw all the men on April 1. After a while he straggled further west and finally came upon the tent occupied by the wreckers engaged on the wreck of the Great Western. At first Beale was regarded by the wreckers as one of the hundreds who lounge about the wreck.

TELLING HIS STORY.

After hovering about the entrance to the tent for some time Beale asked if he might dry himself and have something to eat, telling the men he had just been wrecked and his mates all drowned. The men heard his story with surprise, but saw the confirmation of it in the presence of the schooner high up on the beach to the east. Beale was taken in and kindly treated by the wreckers, and several men went to the vicinity of the schooner, but found no trace of the lost men. The following are the names of the drowned:—

Lafayette Thompson, unmarried, of Machias, Me., aged about twenty-one years, captain.

Frederick Huntley, widower, of Cutler, Me., aged about forty-five, mate.

Frank Foster, married, of Machiasport, Me., second mate.

Albert Card, of Dennisville, Me., cook.

Thomas W. Gray and Charles Colbath, of Machiasport, seamen.

NONE OF THE BODIES

of the drowned men have been washed ashore within miles of the wreck on either side. It is probable that they have been washed away to the west, and the chance of finding any of them is getting more slight as each day passes. The uncle of one of the mates was down on the beach yesterday, and he entertains but slight hope of finding his relative's body. This schooner makes the fifth vessel wrecked within a less distance than two miles on Flat Beach, within the past three years. The skeletons of three of these stick up like grim signals of distress from the white sands; the fourth is the Great Western. If the crew had remained on board for an hour they could have swung themselves ashore with very little effort from the jibboom. Captain Merritt, who is in charge of the Coast Wrecking Company's men took charge of the schooner's cargo for the Atlantic Insurance Company, but the sea ran so high yesterday nothing was done to save anything but the sailors' trunks and such of the ship's papers as might be found. One of the first things brought on shore was Stanley's book of travels in Africa, which afforded considerable amusement to the crowd of idlers about the wreck.

THE SAND PIRATES

of the Great South Bay seem to regard these wrecks as their legitimate prey. They infest the shore at all hours of the day and night by the hundred, although their attendance necessitates a sail across from the main land of five or six miles, and there is no place at which they can get anything to eat except the wreckers' tent, where they should least expect a kindly reception. As the work of unloading the Great Western progresses, these people gather about the ship, getting in the way of the wreckers, crowding about, and purposely jostling the men who are removing the cargo so as to make them drop it. When it falls, a horde of these beach ravens tear the package open and distribute its contents in an instant. Some attack the carts that convey the oranges, which were a portion of the Great Western's cargo, and run off with the boxes in the presence of the watchmen. Every one brings a bag or basket in coming to the beach, and all carry them away full of oranges, or anything else they can pick up of value. During the rain storm of Monday a number of women were among the piratical visitors to the wreck, and even at the risk of exposing themselves to the driving storm they stripped themselves of their outer garments to utilize them in carrying away fruit. No matter how cold it is, these people walk into the water until it is almost breast high for the purpose of securing a few oranges. They are not content with stealing from the vessel, they steal from one another. The other day while one pirate helped himself from a box of oranges in the cart another pirate helped himself from the first pirate's pockets. When the first was discovered and proceeded to sneak away with his booty his astonishment on finding that he had been the subject of tricks as vain as his own was indescribable. Sometimes the men on the steamer, when too much pestered by the crowds in their way, would throw into the water a box of spoiled oranges, and as the crowd rushed for this they would pelt them with other oranges from the ship's deck. But the pirates, instead of being driven away, turned about and picked up the missiles with which they had been assailed to see whether they were worth preserving. The news of the wreck of the schooner, when it became known that she was laden with sugar, increased the number of these visitors to the beach yesterday, and each one had either an empty basket or bag. As the cargo was not touched, however, they were obliged to return empty handed or remain all night on the sand hills, or in their boats, to await future developments. It would require the services of an entire regiment of soldiers to successfully prevent the depredations of these scavengers of the beach.

The yawl in which the crew of the schooner endeavored to escape was dashed to pieces after being upset, and a little gig hanging at the vessel's stern was also stove in during the night.

POLICE VS. HEALTH BOARD.

The Board of Police held a special meeting yesterday, General Smith in the chair.

Roundsman Stevens was transferred from the Thirty-fourth to the Fifteenth precinct, Patrolmen Rack from the Twenty-fourth to the Fourth, Brush from the Eighth to the Sixteenth, Leonard from the Twenty-third to the Seventeenth, Ling from the Twenty-third to the Twenty-sixth and Deakin from the First to the Thirty-second.

The following resolution was adopted:—

Resolved, That the Chief Clerk be ordered to give notice to the Board of Health that the rooms occupied by them and described in resolution of the 25th of February last are needed for the use of the Police Department, and will be required by the 15th of the present month.

The meeting then adjourned.

Subsequently Chief Clerk Hawley served the notice on Professor Chandler, of the Health Board, who stated that the matter would be duly considered at the next meeting of the Board and an answer promptly returned.