THE COURTS.

Conclusion of the Central Branch Union Pacific Railroad Suit.

RECEIVERSHIP THAT WENT A BEGGING.

Supplemental Answer Allowed in the Tweed One Million Suit.

Settlement of the Commissioners of Jurors' Controversy.

The Central Branch Union Pacific Railroad suit on trial before Judge Larremore, holding Supreme Court, Circuit, for several days, was yesterday brought to a close, which was much sooner than was anticipated. At the opening of the court Mr. Effington H. Nichols, for the defence, was questioned by Mr. Beach, counsel for Mr. Samuel L. Tredwell, the plaintiff, and stated that in addition to the assets mentioned the day before there were $600,000 in land contracts, made by settlers for lands purchased. He denied having been elected treasurer for the parties in the contract or even having acted as such. Mr. James Wadsworth was then recalled for the plaintiff and sworn to a resolution which he said was in the handwriting of Thomas M. Bother, which Mr. Beach then read as follows:—"Moved by Hale, seconded by E. H. Nichols Resolved, That the 'Treasurer of parties in interest, E. H. Nichols, Esq.,' be desired to request William Osborn to forward, with his drafts, a memorandum of the expenses for which the same are drawn." It was also shown that the reason the lands remained with the company was that it was considered advisable, as the company was active in Washington for additional subsidy. Willis Gaylord, being recalled, stated there was a minute book of the company prior to the one produced; it was kept in Kansas and afterward in his office, in this city. A spirited debate ensued over the non-production of this book. Mr. Beach said he would show by it the relation of certain stockholders that Mr. Fullerton had asserted were stockholders, but not interested in the contract. Mr. Mount, associate counsel, said he had subpoenaed both Mr. Nichols and Sother to produce it. As it was not forthcoming Mr. Beach proceeded, under ruling of Judge Larremore, and showed by the witness that the stock referred to had not any existence and that the parties referred to had no standing in this action. Further extracts from the minutes of the parties in interest in the contract were then read and the examination of witnesses ended. It was agreed by counsel that their briefs should be handed to Judge Larremore within ten days.

A VALUABLE RECEIVERSHIP.

As is well known the courts have it in their power frequently to give to their favorites profitable receiverships. But there are some receiverships that are not as profitable as others, as was illustrated in the case brought yesterday before Judge McAdam. Some time since Giacomo Lizzardi obtained a judgment against Guisseppi Baffi for $85 for moneys loaned the latter, being an Italian organ grinder. The execution was placed in the hands of a deputy sheriff, who found that the only property which the defendant possessed was a hand organ, a monkey and a dog. The Sheriff, however, did not think it worth while to take possession of this property, and accordingly returned the execution unsatisfied. Proceedings were had yesterday for the examination of the defendant as a judgment debtor. Baffi testified to his ownership of the hand organ, monkey and dog, and that these comprised the sum and substance of his worldly goods.

"I ask," said Mr. William F. Kintzing, counsel, "the appointment of a receiver for the property in question.

"Who would you suggest as such receiver?" inquired Judge McAdam.

"Mr. George L. Simonson," answered Mr. Kintzing, "a most worthy and trusty man?"

"I object," interposed Mr. Simonson, "as I have no ear for music, no fondness for monkeys, and a special dislike for dogs, particularly at this season of the year."

"Is there any lawyer present," asked Judge McAdam, "who differs from Mr. Simonson and has a fondness for hand organs, monkeys and dogs?" After waiting for a while, and there being no response among the legal fraternity present, Judge McAdam added, "I see none of you have any music in your souls. I know a German who will most admirably fill all these requisitions. He is not present, but I know he will feel highly honored at the position, and will discharge the duties with fidelity. The Court appoints as such receiver Michael Jacobs."

A JUDICIAL ENDEMIC.

Just after reaching the Court House Judge Donohue was taken suddenly ill by an attack of vertigo which compelled his being placed in a carriage and taken immediately to his residence. The result was that no Supreme Court, Chambers, was held. Judge Donohue is the fifth judge of the State courts now on the sick list, the entire list comprising Chief Justice Davis, Judges Lawrence and Donohue, of the Supreme Court, and Chief Justice Monell and Judge Van Vorst, of the Superior Court. Thus far the judges of the Court of Common Pleas have seemed to escape the judicial endemic. The concurrent illness of so many judges is attributable to the poor ventilation of the Court House—a subject, by the way, which is now being investigated by the Board of Health, and which it is to be hoped will terminate in the adopting of proper remedial measures to insure better health to the judges of the court.

THE TWEED ONE MILLION SUIT.

A motion was made yesterday before Judge Barrett, of the Supreme Court, by Messrs. Field & Deyo, counsel for William M. Tweed, for leave to serve a supplemental answer in the $1,000,000 suit against William M. Tweed. The text of this supplemental answer has already been published in the HERALD. Judge Barrett granted the motion. This looks very much as though Mr. Tweed's counsel were making all due preparations on their side to try the case on the first Monday of next month, the time arranged by Judge Westbrook for this trial.

THE COMMISSIONER OF JURORS.

The Court of Appeals gave its decision yesterday, Judge Andrews writing the opinion, in the case in the quo warranto writ brought by Douglas Taylor to test the legality of the appointment by Mayor Havemeyer of Thomas Dunlap as Commissioner of Jurors in place of Douglas Taylor. The progress of the litigation in the lower courts has been given from time to time in the HERALD. The Supreme Court, General Term, decided against Mr Taylor, who carried the case to the Court of Appeals, where the same assertions were raised; Mr. A. Oakey Hall appearing for the appellants and Mr. William M. Evarts for the respondent, as in the argument at the General Term. It was urged on behalf of Mr. Taylor that under the act of 1847, creating the office of Commissioner of Jurors, the office was a county office, and that, therefore, the Mayor had not the right to remove or appoint the incumbent, and further, that the act of 1873, giving the Mayor the right to remove the Commissioner of Jurors, is unconstitutional, as the power to make such appointment and removal is not embraced in the title. The Court of Appeals overrules both of these objections and holds that the act of 1873 vested the power of appointment of Commissioner of Jurors in the Mayor and Common Council; that this made it distinctly a city office, whatever may have been its previous character; that there is no defect of legislative power to provide that the jury system should be administered by city officers; that it is for the Legislature to distribute the powers of local government as between the city and county governments as it may deem best; that this discretion, when not restrained or excluded by some provision of the constitution, is abortive, and that no such provision applicable to the matter under consideration exists. The Court therefore affirms the judgment of the Supreme Court, General Term, holding, in conclusion, that the subject of the appointment of a Commissioner of Jurors was embraced within the general subject expressed in the title of the act of 1873, and that Mr. Dunlap, the present incumbent, was legally appointed to the office.

SETTLED IN COURT.

When the case of Fernand Jardell, the young Frenchman, of No. 136 Bleecker street, arrested on Monday night by Detectives McNamara and Kennedy, of the Central office, for passing a worthless Mexican draft for $550 on S. Z. Ball & Co., piano makers, of East Fourteenth street, came up before Justice Murray in the Tombs yesterday, a somewhat singular proceeding was noticed. It appears that the facts in the case were that Jardell, who is the nephew of a prominent wine merchant, called on Ball & Co. and purchased a $375 piano, giving them in payment the draft for $550 drawn by Garcia & Co., of Vera Cruz. They gave him a check for the balance dated a month ahead, on condition he should not present it for a month, they to hear from Garcia & Co. in the meanwhile as to the genuineness of the draft. Jardell presented the check for payment two days after, and hence his arrest. Previous to the prisoner being brought before Justice Murray his counsel, William F. Howe, prepared an agreement, which the prisoner signed, binding him to return the piano to Messrs. Ball & Co. On the case coming before the Judge, Mr. Adolph Dumerhoff, one of the firm of Ball & Co., said that the arrest was made under a misapprehension, and Jardell was discharged. No sooner was he discharged than his counsel handed Mr. Dumerhoff the check for $175 and the agreement to return the piano. Mr. Dumerhoff handed over to Jardell the Mexican draft, and all the parties left court.

SUMMARY OF LAW CASES.

In the suit brought by the Central Stock Yard and Transit Company against Henry Eisner to recover the sum of $20,000 for alleged failure to fulfil a contract for the purchase of some $20,000 worth of hides, tried before Judge Van Brunt, the facts of which have been published, a verdict was yesterday rendered for the defendants.

The United States Circuit Court room was again crowded yesterday with lawyers and friends of Charles A. Lawrence, it being supposed that the trial would be called on and at once proceeded with. The case was not called, however. The District Attorney was not present, and no motion or application was made to the Court from which the cause of this further delay in proceeding with the trial could be ascertained. The general impression among court officials is that the case will soon be tried.

In the United States Circuit Court yesterday, before Judge Benedict, motion was make by Mr. Post to quash the indictment against William Kelly, charged with carrying on illicit distilling. The indictment contained five counts, the charges in which are now before the United States Supreme Court for decision in another case. Judge Benedict suggested that these counts should be abandoned and a trial had on the fifth, which is a general charge of illicit distilling. This course was adopted by General Foster, and the case will come up for trial to-day.

The Supreme Court decided yesterday that Civil Justice Flanagan was legally elected in the Tenth district for the term ending January 1, 1880.

Application was made yesterday to Judge J. F. Daly, in Special Term of the Court of Common Pleas, to have Charles Russell, a colored boy, sentenced to the House of Refuge, transferred to the Penitentiary. It was claimed that the boy was intractable, while he claims that he was badly used by the officials at the House of Refuge, and Judge Daly directed an order transferring the boy to the Penitentiary for two years, and after that his transfer to the House of Refuge to serve out the remainder of his term.

DECISIONS.

SUPREME COURT—CHAMBERS.

By Judge Brady.

Hamilton vs. Brevoort.—Granted.

Covert vs. Hermberger.—Motion denied, costs to abide event.

Hewlett vs. Wood.—In this case after consultation with Justice Daniels, the motion to suppress is denied, upon the ground that the examination has been closed by Justice Pratt. The preliminary objection is sustained, therefore. This decision is made, however, without prejudice to the right of the defendants to interpose any and all objections to the use of the deposition on the trial, such rights being reserved. Motion denied.

Washburn vs. De Wolf and another.—It is apparent that the trial of this action will involve the examination of a long account, and the motion for a reference must, therefore, be granted, unless the defendant, admitting the services rendered, relies upon the payment set up in the answer. This would present one issue only. If stipulation be not given, reference is ordered to F. Smyth.

Saportas vs. The Mayor, &c.—In this case the appeal may be heard during the present term; a stay will be granted, therefore, until the second Monday of June, 1876. If a further stay be necessary application can be made for it.

Washburn vs. De Wolf and another.—The consideration of a note between the original parties is always open to examination. The answer assails the consideration and avers that none existed. The allegations of the answer are peculiar, and may be said to be inartistically drawn; but, considered together, present a defence if established in whole or in part to the claim. They cannot all be considered frivolous, although some may be irrelevant. The issues thus made, I am satisfied, cannot be tried by a jury. The items of the plaintiff's account, as shown by the reply, are very numerous, and the examination of a long account must become necessary. The motion for judgment is denied, with $10 costs, to abide the event. The motion for a reference is granted.

Wallace vs. Birdsall.—The examination of this case leads to the following conclusions:—First—Leave to discontinue should be granted, but on the following terms:—Second—The payment of the taxable costs. Third—The payment to the defendant's attorneys, other than the Sheriff, in addition to the costs, the sum of $75 counsel fee. Fourth—The payment of $25 to the attorney for the Sheriff, in addition to double costs, to which he is supposed to be entitled. Fifth—These additional payments to be in full of all claims for counsel fees which might be made upon the undertaking given when the injunction herein was granted. Sixth—If the additional compensation allowed be not accepted as suggested, then leave to discontinue is granted on the payment of taxable costs only.

Morange vs. Vogel.—The controversy which provoked the reference in this case I think was unfortunate, and it seems it might have been avoided by proper adjustment of the attorneys. The report of the referee must, however, be sustained. His views seem to be correct. Justice Barrett has examined the case also, and concurs in this result. Ordered accordingly. Order to be settled on notice.

By Judge Lawrence.

Ramey vs. Fischer.—In this case, an attachment against the witness.

SUPERIOR COURT—SPECIAL TERM.

By Judge Speir.

Schermerhorn vs. Cole.—Motion that defendant pay the sum of $100 to plaintiff denied.

Fonlon vs. Erben; Jessup vs. Sturer; Ibbotson et al. vs. King et al. and Phyfe vs. Casey et al.—Orders granted.

By Judge Larremore.

Vanderbilt vs. Dunseith et al.—Judgment for plaintiff for relief demanded in the complaint.

By Judge Van Vorst.

Lockwood vs. Bishop, &c.—Findings settled.

Scamoni vs. Ruck et al.—Findings and decree signed.

MARINE COURT—CHAMBERS.

By Judge McAdam.

Wills vs. Dexter.—Decision filed with papers.

Philip vs. Jones.—Motion to advance cause denied.

Carroll vs. Cullen.—Mr. Edward Jacobs appointed receiver.

Delano vs. Boynton; Jones vs. Ferguson.—Motions granted.

Hahlo vs. Cohn.—Motion to vacate judgment denied.

Bruce vs. Carter.—Motion to correct judgment granted.

Geck vs. Martin.—Default opened conditionally.

O'Hara vs. Weld.—Motion for commission granted.

Bold vs. Hughes.—Motion to open default granted.

Ayres vs. McManus.—Proceedings against third party dismissed.

Fletcher vs. Lewis.—Complaint dismissed with costs.

American Tract Society vs. Green.—Motion for leave to serve reply granted.

Ruhe vs. Fischer.—Injunction vacated.

Koerner vs. Bayerischer.—Referred to Mr. Edward Jacobs.

Leller vs. McCabe.—Motion granted unless defendant consents to try cause in Part 2, May 26, in which case it will be denied, without costs.

Maidhoff vs. Prior.—Discontinuance allowed on payment of $15 costs. (See 41 N. Y., 355.)

Murdelsohn vs. Cumisky.—Order of arrest vacated.

Smith vs. Conner.—Opinion filed.

Drisler vs. Bartine; Gill vs. Meyer; Bick vs. Mack; The Grand Central Bank vs. Shapiro; Burke vs. Laimbeer; Delano vs. Boynton.—Motions granted.

JUDGE GILDERSLEEVE'S COURT.

Parts 3 and 4 of the Marine Court have been removed to the old chambers of the Board of Aldermen, in the City Hall, temporarily, while some necessary alterations are being made in the building in Chambers street, in contemplation of the removal of Parts 1 and 2 of the Marine Court to that place. Judge Gildersleeve will, on the 1st of next month, hold Part 2 of the Court of General Sessions in the rooms now occupied by the two latter branches of the Marine Court. During the summer vacation the rooms will be altered and fitted up in a decent manner. It seems that, after all, Judge Gildersleeve will have no better place to administer justice in till the fall.

COURT OF GENERAL SESSIONS.

Before Judge Sutherland.

THE FORGERY TRIAL.

The trial of Charles A. Williamson was resumed yesterday forenoon, Mr. A. Oakey Hall and ex-Judge George M. Curtis appearing for the prisoner and Assistant District Attorney Rollins for the prosecution. The defence opened by examining John A. Olmstead, the engraver who made dies and plates for the Roberts-Gleason clique of forgers, of which Williamson is alleged to have been a prominent member. This witness testified to having made a fac-simile of the seal of the New York Central Railroad for Roberts a short time before the utterance of the spurious bonds by the prisoner. Louis J. Keepers and John A. Hardenberg, witnesses for the people, were also called, but their testimony had no special significance. The prisoner then took the stand, and, being called upon to explain his possession and utterance of the bonds, told an apparently honest story of his career since March 1, 1873. On that day he came out of State Prison, where he had been confined for implication in a safe burglary in Dey street. He stated that he had tried in vain to obtain employment for some time, when he was introduced to a Colonel French by an old army friend, Colonel Potter. French was about organizing the bogus Palisade Insurance Company in Jersey City, and he employed the prisoner, who never suspected his honesty, as a sort of agent. And it was in this capacity of agent Williamson claimed that he negotiated all the "securities" for the utterance of which he was on trial. The money, he said, was always handed over to French on the day a sale was made. His leaving the thirty $1,000 bonds on the counter of Eddie & Co., No. 26 Pine street, on the 28th of August, 1873, he explained by stating that he merely went out to keep an engagement to meet Colonel French at the Stevens House, and that when he saw that gentleman the latter informed him that there was something wrong about the bonds, as he had just learned, but he did not state what it was. He then invited Williamson to come over to his house in Jersey City, and the latter without returning for the bonds accepted the invitation, and was astonished on reading his name in the papers on the following day as "Williamson, the notorious forger." The witness further stated that he had been in New York almost continuously since that time. Assistant District Attorney Rollins then cross-examined the witness, plying him with searching questions for nearly two hours. He admitted that he had twice been in State Prison for burglary and had assumed different names. When Mr. Rollins, however, began to ask questions about his arrest a few weeks ago under the name of Charles E. Farnham for uttering various forged bonds to Rollins Bros., bankers and brokers, the witness refused to make any reply. No other witnesses were examined for the defence, and Mr. Hall began his address to the jury, which lasted for three hours. He contended that there was no evidence to prove his client had any guilty knowledge that the bonds were not "straight." The address was concluded shortly before six o'clock, when the Court adjourned till this morning, when Mr. Rollins will sum up for the people.

ESSEX MARKET POLICE COURT.

Before Judge Bixby.

FEMALE PICKPOCKETS ARRESTED.

Detectives King and Wood, of the Central Office, brought to this court yesterday two female pickpockets, who gave their names as Catharine Slattery and Mary Kelly. On Monday last, as Mrs. Mary Tong, of Stapleton, Staten Island, was descending the elevator in Ridley's store in Grand street, she was robbed of her pocketbook, containing $5 26. The detectives, who had been on the alert, saw the two prisoners enter the store and awaited their return. They followed them and saw them go down Allen street. At the corner of Hester street they seemingly became aware that they were watched and one of them dropped a pocketbook, which a small boy picked up and handed to Detective King. The latter then arrested both of them. The pocketbook was subsequently identified as being the one stolen from Mrs. Tong. In court yesterday the prisoners were held in $2,500 bail each to answer in the General Sessions.

COURT CALENDARS—THIS DAY.

SUPREME COURT—CHAMBERS—Held by Judge ——.—Calendar called at half-past ten o'clock A. M.—Nos. 27, 29, 52, 58, 82, 94, 95, 107, 111, 113, 123, 133, 140, 143, 144, 149, 157, 158, 159, 160, 161, 167, 190, 191, 198, 201, 203, 208, 222, 224, 228, 233, 236, 237, 241, 245, 280, 296, 298, 313, 318, 319, 321, 54, 97, 106, 112, 126, 142, 164, 182, 183, 184, 185, 186, 187, 188, 189, 206, 216, 250, 269, 284, 293, 295, 301, 311, 316, 317, 326, 328, 330, 331.

SUPREME COURT—GENERAL TERM—Held by Judges Davis, Brady and Daniels.—Nos. 111, 127, 132, 134½, 153, 102, 71, 107, 128, 141, 145, 92, 119, 125½, 151, 125, 136, 153½, 154, 68.

SUPREME COURT—SPECIAL TERM.—Adjourned until to-morrow.

SUPREME COURT—CIRCUIT—Part 1—Held by Judge Donohue.—Nos. 1703, 1587, 1599, 1629, 1637, 1739, 1741, 1473, 1767, 1399, 1377, 1781, 1789, 1581, 423, 1623, 1461, 1795, 1809, 1051, 1493, 2859, 1535, 252, 1389, 1140½, 1329, 1148, 107, 1625, 1425½, 1391, 1577, 1579, 1647, 1369, 2993, 1695, 1627, 976, 2783, 1779, 1727, 633, 1844, 1845, 1845½, 1847, 1849½, 1851. Part 2—Held by Judge Barrett.—Case on—No. 2338. No day calendar. Part 3—Held by Judge Dykman.—Nos. 37, 863, 301, 1127, 111, 621, 1809, 1497, 575½, 1291, 923½, 1811, 15, 2888, 1829, 1837, 950, 947½.

SUPERIOR COURT—SPECIAL TERM—Held by Judge Speir.—Issue of Fact—No. 15.

SUPERIOR COURT—TRIAL TERM—Part 1—Held by Judge Curtis.—Nos. 1017, 1982, 715, 2101, 1108, 1076, 1113, 1133, 1074, 2130, 1179, 2155, 1085, 859, 1060, 905, 2027, 1110, 1122, 1123, 1128, 1121, 1135, 1848, 1072, 1112, 1152, 1032, 1080, 1105, 1106, 1124, 1134, 1136, 1118, 1119, 1175, 1184, 887. Part 2—Held by Judge Sanford.—Nos. 1675, 741, 919, 1034, 720, 775, 1005, 748, 1158, 454, 602, 764, 712, 1189, 1190.

COMMON PLEAS—EQUITY TERM—Held by Judge J. F. Daly.—Nos. 24, 4, 25, 22, 14.

COMMON PLEAS—TRIAL TERM—Part 1—Held by Judge Van Hoesen.—Nos. 956½, 1550, 955, 958, 1104, 1900, 2103, 1680, 1097, 1436, 369, 1164, 2115, 1528, 706, 2281, 2120, 2127, 2135, 954½, 1697, 2051, 369, 1211, 2147, 2148, 2149, 2150, 2152, 2153, 2154, 1144, 1693, 2033. Part 2—Held by Judge Van Brunt.—Nos. 1863, 1931, 2451, 1655, 1844, 2420, 1942, 1804, 2445, 2091, 2059, 2136, 2069, 1350, 2157, 2158, 2159, 2160, 2161, 2162, 2164, 2165, 2166, 2168, 2169, 2170, 2172, 2175.

MARINE COURT—TRIAL TERM—Part 1.—Adjourned for the term. Part 2—Held by Judge Goepp.—Nos. 6881, 4091, 4111, 3482, 3749, 4233, 4125, 4094, 4283, 7631, 7714, 7739, 2624, 7574, 7621, 7116, 4241, 4505, 4104, 2224, 2013, 6554, 4281, 7695, 7749, 4240, 4114. Part 3—Adjourned for the term.

COURT OF GENERAL SESSIONS—Held by Judge Sutherland.—1. The People vs. Charles Williamson, forgery (continued); 2. Same vs. Jeremiah Harrigan, arson; 3. Same vs. Henry Bishop, felonious assault and battery; 4. Same vs. Eugene Landsberg and Phillip Ansonge, burglary; 5. Same vs. Charles Ralston, forgery.

COURT OF APPEALS.

ALBANY, May 23, 1876.

DECISIONS.

Judgment affirmed, with costs.—Williams vs. The Town of Duanesburg; Brick vs. Brick; Delancy vs. Stearns; McMurray vs. McMurray; Welch vs. Rome; Brown vs. Champlin; Kingston Bank vs. Ettinge; People, &c., vs. Flanagan; National Bank of Newburg vs. Smith.

Judgment reversed and new trial granted, costs to abide the event.—King vs. New York Central Railroad Company; Depeyster vs. Murphy; Marston vs. Smith; Church vs. Lafayette Insurance Company; Sutton vs. N. Y. C. and C. R. R.; Niagara Falls Suspension Bridge Company vs. Buchman.

Judgment reversed and judgment for defendant, with costs of all parties to be paid out of the fund.—Gourley vs. Campbell.

Order affirmed, with costs.—Anderson vs. Reilly; Riggs vs. Pursell.

Order reversed and new trial granted, costs to abide the event.—Wheeler vs. Reynolds.

Order granting new trial affirmed and judgment absolute for defendant on stipulation, with costs.—Godfrey vs. Moser; Wells vs. Miller.

MOTIONS.

Becker vs. Howard.—Motion for reargument. Submitted.

No. 336. Knaeppel vs. Kings County Fire Insurance Company.—Upon consent and affidavit, and on motion of J. Albert Wilson, of counsel for respondent, number changed on calendar from 336 to 100½, on the ground that it is an appeal from a judgment and is not entitled to be heard as a motion.

Vandenburgh vs. President, &c., of Greenbush.—Motion for reargument. Submitted.

APPEALS FROM ORDERS.

No. 372. Ryan vs. Atlantic Mutual Insurance Company.—Argued by Charles E. Whitehead for appellant, S. Hand for respondent.

No. 177. In re N. Y. C. and C. Railroad vs. Armstrong.—Argued by Edward Harris for appellant, H. V. Howland for respondent.

GENERAL CALENDAR.

No. 197. Murphy vs. Buckman.—Argued by George W. Wingate for appellant, Nelson Smith for respondent.

No. 180. Gladding vs. Goodrich.—Submitted.

No. 82. William H. Jenks and another, respondents, vs. Catharine Brown, impleaded, &c., appellant.—Argued by Samuel Hand for appellant, J. Albert Wilson for respondent.

No. 183. Sherwood vs. Mercantile Insurance Company.—Argued by George B. Hibbard for appellant, John H. White for respondent.

No. 185. McGuire vs. Rollins.—Argued by John J. Perry for appellant, Samuel Hand for respondent.

No. 15. Gilman vs. Gilman.—Submitted for respondent and case kept open for arrival of appellant's counsel.

CALENDAR.

The following is the calendar for May 24, 1876:—Nos. 187, 189, 149, 176, 162, 192, 193, 191.

UNITED STATES SUPREME COURT.

WASHINGTON, May 23, 1876.

In the United States Supreme Court the following decisions have been rendered:—

Rufus Baker and Isaac F. Graham, assignees of the Odorless Rubber Company, vs. Henry S. White—In error to the Circuit Court for the district of Connecticut.—The Odorless Rubber Company, being in an embarrassed condition, undertook to relieve itself by obtaining additional subscriptions to its capital stock. It was decided to increase the stock, and the defendant subscribed for 240 new shares and paid $2,700, being also elected a director. He then refused to pay any more, and the corporation having been adjudged bankrupt, the plaintiffs, as assignees, brought the present suit to recover the unpaid instalments, amounting to $3,000. Two defences were relied on by defendant:—

1. That one of the conditions on which he agreed to pay was that thirty per cent of the old stock was to be deducted or extinguished, and this had not been done; and

2. That the subscriptions had been obtained by fraudulent representations as to the condition of the company. That the whole proceeding was a fraudulent design to relieve the old stockholders of a broken corporation at the expense of the new subscribers, and that as soon as he had learned enough of the condition of the company to become aware of this fraud he abandoned the concern and repudiated the contract.

The Court concurs in the construction given to the subscription paper by the Circuit Court upon which a reversal was ordered, but dismiss the writ for want of jurisdiction, holding that the order made by the Circuit Court, which only reversed the judgment of the District Court, was not a final judgment from which a writ of error lies to this Court.

Mr. Justice Miller delivered the opinion.

Richard L. Wallach, Charles N. Wallach and James M. C. Wallach vs. John Van Riswick—Appeal from the Supreme Court of the District of Columbia.—The complainants are children, and heirs at law of Charles S. Wallach, who was an officer in the Confederate army during the late rebellion. While thus in the Confederate service, his real estate situate in the city of Washington was seized by order of the President, under the Confiscation act of July 17, 1862, and a libel for its condemnation was duly filed. The lot of ground respecting which the present controversy exists was condemned as forfeited to the United States on the 29th day of July, 1863, and on the 9th day of September next following it was sold under a writ of venditioni exponas, the defendant Van Riswick becoming the purchaser. Prior to the seizure the lot had been conveyed to Charles S. Wallach in trust to secure the payment of a promissory note for $5,000 which he had borrowed, and at the time of the seizure a portion of this debt remained unpaid and due to the defendant, to whom the note and the security of the deed of trust had been assigned. Wallach's interest in the property was, therefore, an equity of redemption, and by the confiscation sale the purchaser acquired that interest and held it with the security of the deed of trust given to protect the payment of the promissory note. On the 3d of February, 1866, Wallach, having returned to Washington, made a deed purporting to convey the lot in fee simple, with covenants of general warranty, to Van Riswick, the purchaser at the confiscation sale. His wife joined with him in the deed.

So the case stood until February 3, 1872, when Wallach died. The complainants then filed this bill, claiming that after the seizure, condemnation and sale of the land, as the property of a public enemy engaged in the war of the rebellion, nothing remained in him that could be the subject of sale or conveyance. Without determining where the fee dwells during the continuance of the interest of the purchaser, at a confiscation sale, whether in the United States or in the purchaser, subject to be defeated by the death of the offender, it is decided that it cannot dwell in the offender, for if it does, then the plain purpose of the Confiscation act is defeated, and the estate confiscated remains subject, whether in the hands of the United States or of the purchaser, to a paramount right remaining in the offender. The heirs take after the death of the offender. It is also held that amnesty restored what was in possession of the United States, but could not restore what had passed from the government by sale.

Mr. Justice Strong delivered the opinion.

PILOT COMMISSIONER ELECTED.

A meeting of the Chamber of Commerce was called yesterday afternoon, for the purpose of electing a Pilot Commissioner. There were twenty-two members present, the President (Samuel D. Babcock) in the chair, and George W. Blunt, the present Commissioner, was unanimously re-elected.

CORONERS' CASES.

Officer Glass, of the Twenty-seventh precinct, found John Reilly, aged forty-one, of No. 31 Worth street, on the sidewalk at No. 37 Washington street on Monday night, apparently intoxicated, and brought him to the station house, where he died soon after arriving. Deputy Coroner Goldschmidt made a post-mortem examination of the body yesterday afternoon and found that death was the result of hydropericarditis. The heart was swollen to three or four times its natural size and portions of it were ossified.

Michael Bracken, aged twenty-two, of No. 304 Mott street, who fell from an ash cart and was run over in West Twelfth street last Saturday morning, died yesterday in the Chambers Street Hospital. Coroner Ellinger took charge of the case.

Arthur Rosenthal, two years old, of No. 306 East Fifty-ninth street, fell from a five story window in his house Monday afternoon and died yesterday morning.

Peter Donlon, aged forty-one, of pier 52 North River, fell overboard and was drowned on Thursday night. His body was recovered yesterday morning.

The body of a drowned man was found on Monday night at the foot of East Fiftieth street. From papers on his person he is supposed to be Samuel Allen, a machinist, formerly in the employ of Messrs. J. C. Cary & Co., of No. 47 Ann street. Coroner Croker has charge of the case.

A drowned man was yesterday discovered by the harbor police off Fulton ferry. Owing to the strength of the tide they first landed the body at Governor's Island before conveying it to the Morgue. Nothing was found on his person from which he could be identified.

The man found in the water at pier 37 East River on Monday morning was yesterday recognized as that of Valentine Elbert, aged forty-one, of No. 280 Third street.

MARRIAGES AND DEATHS.

MARRIED.

HUBBARD—GIRLING.—May 17, by the Rev. G. B. Willcox, of Stamford, Conn., GEORGE W. HUBBARD to ALICE H. GIRLING, both of Stamford.

VON BUREN—HOFFMANN.—On the 17th inst., at German Lutheran church, Stapleton, S. I., by the Rev. A. Kuehne, EDWARD VON BUREN to MATHILDE HOFFMANN, niece of Charles A. Herpich, Esq.

DIED.

AUSTIN.—At Astoria, May 22, suddenly, of diphtheria, JULIA ANNIE, only daughter of James V. and Sarah E. Austin, aged 8 years, 7 months and 2 days.

Funeral from the residence of her parents on Thursday, the 25th, at two o'clock P. M.

BACON.—At the Gramercy Park House, Monday, May 22, JULIUS BACON.

Funeral at Charlton depot, Mass., this (Wednesday) morning.

BRADLEY.—May 22, GEORGE HENRY BRADLEY, aged 10 months and 4 days, the youngest son of J. A. and Kate C. Bradley.

The funeral will take place at twelve M., 24th, from No. 97 Morris st., Jersey City. Friends of the family respectfully invited to attend.

CONSTANTINE.—On Sunday, May 21, RAYMOND CONSTANTINE, son of John and Margaret Constantine.

Relatives and friends are invited to attend the funeral services, at No. 90 Bedford avenue, Brooklyn, E. D., on Wednesday, May 24, at one o'clock.

CORNWELL.—At Great Neck, L. I., on Tuesday morning, aged 6 months, EMILY FLETCHER, infant daughter of Richard P. and Jane V. Cornwell.

COON.—At Barrytown, Dutchess county, N. Y., on Monday, May 22, 1876, ALEXANDER COON, in the 62d year of his age.

Funeral Thursday, May 25 1876, at eleven A. M., at his late residence.

COBB.—At Tarrytown, N. Y., on Monday, May 22 SANFORD COBB, in the 70th year of his age.

Funeral from his late residence, on Thursday, 25th inst., at half-past one o'clock P. M. Carriages will meet the 11:50 train from Grand Central depot.

CHANDLER.—On Monday, May 22, IDA L., eldest daughter of William E. and the late Abbie E. Chandler, aged 10 years, 4 months and 22 days.

Relatives and friends are invited to attend the funeral, from the residence of her father, 139 Bushwick av., near Grand st., Brooklyn, E. D., on Wednesday, May 24, at one o'clock P. M.

CURRY.—On Monday evening, May 22, at the residence of his sister, Mrs. Henry T. Vanderhoof, J. ALBERT CURRY, of consumption.

Relatives and friends are invited to attend the funeral, at No. 208 East 14th st., on Thursday, the 25th inst., at two o'clock P. M.

DALY.—On Tuesday morning, May 23, JAMES DALY, aged 7 years and 8 months.

The relatives and friends are respectfully invited to attend the funeral, from his late residence, 231 East 34th st., on Thursday, May 25, at two o'clock.

DOUGLAS.—On the 18th inst., of heart disease, at her late residence, 98 4th av., Brooklyn, ALMIRA, widow of Robert T. Douglas and eldest daughter of the late Augustus C. Rainetaux.

DOYLE.—On Monday, May 22, CHARLES FREDERICK DOYLE, in the 39th year of his age.

Relatives and friends are invited to attend the funeral services, from his late residence, No. 128 East 74th st., on Wednesday, May 24, at half-past ten o'clock A. M.

GRISWOLD.—At 61 5th av., suddenly, on Monday, May 22, JAMES C. GRISWOLD, member of the firm of Tefft, Griswold & Co.

Notice of funeral hereafter.

GEOGHEGAN.—On Monday morning, May 22, LUCY GEOGHEGAN, a native of Queens county, Ireland.

Funeral will take place from the residence of her cousin, Mr Y. Geoghegan, 104 7th av., at half-past nine o'clock, on Wednesday morning, May 24; from thence to St. Francis Xavier's church, West 16th st. Relatives and friends are respectfully invited to attend.

GRIMOLD.—At No. 61 5th av., suddenly, Monday, May 22, JAMES C. GRIMOLD, of the firm of Tefft, Grimold & Co.

Funeral from the Church of the Ascension, 5th av., corner 10th st., Thursday, at 9:30 A. M.

HUGHES.—In Brooklyn, on Monday, May 22, JESSIE G., only daughter of Archie and Ellen C. Hughes, aged 13 years.

Funeral from the residence of her parents, No. 2 Hoyt st., on Thursday, 25th inst., at two o'clock P. M.

HILL.—In Hoboken, May 23, 1876, of Bright's disease of the kidneys, HERMAN M. HILL, aged 43 years, 3 months and 20 days.

Notice of funeral to-morrow.

INGERSOLL.—On Tuesday morning, May 23, JAMES D. INGERSOLL, aged 69 years.

His relatives and friends are respectfully invited to attend the funeral services, on Thursday, May 25, at five o'clock P. M., at 239 Madison av. His remains will be taken Friday morning to Uxbridge, Mass., for interment.

JENNINGS.—MARY FRANCES, daughter of Joseph and Maria Jennings, aged 4 years and 6 months.

Funeral will take place from the residence of her parents, 405 East 15th st., on Wednesday, 24th inst., at one o'clock.

JENKINS.—In Brooklyn, on Tuesday, May 23, MARY A., wife of Thomas J. Jenkins, in her 52d year.

A solemn requiem mass will be offered for the repose of her soul, at St. Mary's Star of the Sea, Court st., Brooklyn, at ten A. M., Friday, May 26. Relatives and friends are respectfully invited. Remains will be interred in the Cemetery of the Holy Cross.

LEDDY.—On Monday, the 22d inst., MAMIE FRANCES, only daughter of Patrick E. and Kate Leddy, aged 3 years, 6 months and 6 days.

The relatives and friends of the family are respectfully invited to attend her funeral, from the residence of her parents, No. 65 Spring st., on Wednesday, the 24th inst., at one P. M. Interment in Calvary Cemetery.

LARRY.—At Purdy's station, Westchester county, N. Y., May 22, 1876, of apoplexy, JOHN LARRY, in the 58th year of his age.

The relatives and friends of the family are respectfully invited to attend his funeral, from his late residence, on Thursday, the 25th inst., at one o'clock P. M. Carriages will be in waiting at station on arrival of train leaving 42d st., Harlem Railroad, at 8:30 A. M.

LANDERS.—May 22, 1876, JOHN C. LANDERS, only son of John and Margaret Catherine Landers, aged 3 years, 7 months and 9 days.

Relatives and friends are invited to the funeral, from the residence of his parents, Montgomery st., corner of Summit av., Jersey City Heights, on Thursday, May 25, at one o'clock.

MOORE.—ISABELLA, daughter of George and Mary Moore, aged 7 months.

The funeral will take place from the residence of her parents, 49 Monroe st., on Thursday, 25th inst., at one o'clock.

MENKE.—HENRY MENKE, Jr., aged 26 years, 3 months and 18 days.

Funeral from the residence of his parents, 85th st. and 11th av., this Wednesday, May 24, at one P. M.

MILES.—The members of Phil Kearny Post, No. 8, G. A. R., are requested to assemble on Wednesday, May 24, at half-past one P. M., at 97 Forsyth st., to attend the funeral of our late comrade, James E. Miles.

JAMES H. STEVENS, Commander.

HENRY MATRELL, Acting Adjutant.

MURTAGH.—In Brooklyn, on Monday, May 22, MRS. MARY MURTAGH, widow of John Murtagh, of Ballynacarigy, county Westmeath, Ireland.

The friends and relatives, also those of her son-in-law, Mr. Daniel Longworth, of Rockaway, are respectfully invited to attend her funeral, from her late residence, 214 Bridge st., on Thursday, May 25, at one P. M. Interment in Calvary Cemetery.

POTTER.—On Monday, the 22d inst., at four o'clock P. M., BELLE, daughter of James C. and Kate N. Potter, aged 8 months and 26 days.

The funeral will take place on Wednesday, the 24th inst., at two o'clock P. M., from their residence, 85