THE COURTS.

Trials and Tribulations of a City Contractor.

Avalanche of Witnesses in the Rapid Transit Suits.

Disappointed Expectations of "Shiver My Timbers."

Entry of Formal Verdict in the Spring Valley Distillery Case.

Michael Noonan, in November, 1870, made a contract with the city for building sewers and culverts through various streets from Seventeenth to Twenty-third street, inclusive, the work to be completed in 200 days. The total value of the work done, according to Mr. Noonan's bills, was $229,476 64. The city, however, fixed it at $228,698 84, of which, after dancing attendance on the Comptroller sometimes for six months at a time, Noonan finally received $160,712 66, leaving a balance of $69,227 98 due. The contractor complains that the city officers delayed his monthly certificates sometimes to seven months; that the plans were altered by caprice or favoritism; that he was compelled to sink a sewer along Eleventh avenue two feet deeper than agreed upon, and then the city officials compelled him to raise it two feet again, and that all the delays were caused by the officials. The city answers that it is entitled to deduct $3,387 17 from the balance, as interest due on the advances. The plaintiff denies that interest should be charged beyond the completion of the work; but the Comptroller wants interest up to the confirmation of the assessment, and Mr. Strahan, counsel for Noonan, says the Comptroller never made any such claim except in this and another case; that if this were lawful a city official, having enmity against a contractor, could delay the confirmation of the assessment until the thirty per cent returned by the Comptroller was consumed in interest. The city also makes a charge of $10,000 for inspectors' fees; but Mr. Noonan says three of the inspectors were merely nominal, being put on the payrolls by Mr. Tweed, and he claims that he should not be charged for their salaries. The trial of the suit brought by Mr. John R. Fellows, as assignee of Mr. Noonan, for the amount claimed to be due, was commenced yesterday before Judge Larremore, holding Supreme Court, Circuit, and will probably occupy the rest of the week.

SLOW PROGRESS IN RAPID TRANSIT.

A growing monotony begins to show itself in the continued testimony given before Judge Sedgwick, in Supreme Court, Special Term, in the trial of the Sixth Avenue Railroad injunction suit against the Gilbert Elevated Railroad Company. Notwithstanding this fact, however, the court room was densely thronged, as usual, and the cumulative testimony offered on behalf of the Sixth Avenue Railroad as to the probable effect upon the horses of that company of the running of an elevated road over the track of the plaintiffs' road was listened to with a good deal of interest.

James R. Wallace, foreman of the Ninth Avenue Railroad stables, the first witness called, testified that the horses under his charge often became so frightened as to fall down, tear their shoes off, jump around the stable, and frequently sustained serious injuries, and all on account of the Elevated road running their cars and engines over their stables. He stated further that conductors, passengers and drivers were much annoyed by oil dripping from the engine and soiling their clothes. There were twenty-two additional witnesses called, including Bernard J. Kelley, Jacob Sharpe, Charles Cottrill and John M. Ackerman. The witnesses comprised property owners along the road, railroad engineers and railroad conductors and drivers. The most important feature of the testimony was that setting forth the reduction in the value of property on Sixth avenue in case the Gilbert Elevated Railroad Company is allowed to build its road in the manner proposed.

Contemporaneous with the above trial is the trial before Judge Van Hoesen, in the Special Term of the Court of Common Pleas, of the injunction suit brought by the Ninth Avenue Railroad Company against the Greenwich Street Elevated Railroad Company. There is the same variety of witnesses in this case and their testimony is simply further confirmation of the allegations set forth in the complaint. Among the witnesses examined yesterday was Police Commissioner Nichols. In this suit seventy-seven witnesses have thus far been examined, and this is said to be only the beginning of the beginning.

A BLOW AT GREAT EXPECTATIONS.

One day while Archibald Scott, a tea merchant in Duane street, was sitting quietly in his store, a man dressed in the uniform of a foreign steamship officer came into the place and offered for sale some shawls which he represented to be pure Cashmere and worth $150 a piece. This strange visitor said that his vessel was to leave right away for China and that he would sell them at a great sacrifice. Mr. Scott purchased two of the shawls, paying, as he ascertained upon subsequent inquiry, about three times their value. Finding that he had been victimized he kept a sharp lookout for the swindler, and subsequently meeting him on the street caused his arrest, the prisoner giving his name as John Rodgers. Police Justice Sherwood discharged Rodgers on the ground that there was not sufficient cause for holding him on a criminal charge. Rodgers thereupon brought suit in the Marine Court against Mr. Scott for malicious prosecution. Owing to a misunderstanding between counsel Mr. Scott's lawyers failed to appear and a judgment was entered against him for $750 for default. This default was opened by Judge McAdam and the case came to trial yesterday before Judge Sinnott. It was proved that this was an old game of Rodgers, who was widely known under the sobriquet of "Shiver My Timbers," and that he was not to be believed under oath. The result was a verdict for Mr. Scott. William F. Howe, plaintiff's attorney; Messrs. Kintzing & Mott, defendant's attorneys.

THE SPRING VALLEY DISTILLERY.

In the case of the United States against the Spring Valley Distillery, Rockland county, to recover on a claim of forfeiture of the real estate, the trial was begun yesterday before Judge Blatchford, in the United States District Court. The real estate is valued at $40,000. A suit was originally brought to condemn the distillery proper and its appurtenances on the ground that it had been used for illegal purposes, illicit distillation. The present action is brought on a reversal of a decision previously rendered against the government in a trial held in 1873. In that case an appeal was taken to the Circuit Court, which was argued before Judge Woodruff, since deceased, who ordered a new trial. The case was called yesterday and a formal verdict was given for the government, subject to the decision of the Court on points raised for the claimant, and on which argument is set down for this day week.

"OUR BOYS."

In the suit brought by Lester Wallack against Augustin Daly, to enjoin the latter from producing or disposing of the play of "Our Boys," a motion was made yesterday, before Judge Donohue, in Supreme Court, Chambers, for leave to file a supplementary answer setting up a previous judgment obtained against Mr. Wallack in the Superior Court in a similar suit as a bar to a recovery in this action. The motion was opposed on the ground that the present action was commenced prior to Mr. Daly's suit. Mr. A. Oakey Hall appeared for Mr. Wallack and Mr. Olin represented Mr. Daly. Judge Donohue took the papers, reserving his decision.

SUMMARY OF LAW CASES.

William Nickola yesterday recovered a verdict for $8,000 damages against the Forty-second and Grand Street Ferry Railroad Company on account of injuries sustained, the facts of which have been published.

On application of ex-Judge Cardozo Mr. Francis M. Bixby was yesterday appointed by Judge Donohue a receiver of the Worm Tape Skirt Company, with power to wind up its affairs. A dispute between the corporators led to the appointment.

The wife of Captain Russel, in entering Washington Market, fell and broke her leg, the accident being the result, as claimed, of one of the steps being broken. He has brought suit against the city for loss of her services, laying his damages at $10,000. The trial of the case began yesterday before Judge Sanford in the Superior Court. Mrs. Russel has also a suit pending against the city for damages.

James Fettrick, a Third avenue real estate agent, sold the house and lot No. 143 East Fifty ninth street to Frederick DeKay for $18,000, the buyer contracting to pay arrears of rent and taxes on delivery. Mr. Fetrick obtained judgment in the Supreme Court against Mr. DeKay for $966 arrears of assessments, and Mr. Charles H. Dennison, defendant's counsel, got a reversal of judgment from the Court of Appeals on the ground that full possession was not given to defendant, a portion of the premises being retained. A new trial was ordered, and plaintiff was examined before trial in the Supreme Court yesterday.

Application was made yesterday to Judge Van Hoesen, in Special Term of the Court of Common Pleas, on behalf of the policy holders in the Eclectic Life Insurance Company, for an order directing the Superintendent of Insurance at Albany to divide $100,000, the funds of the company in his hands, among the policy holders. This application was opposed by Attorney General Fairchilds on behalf of the Superintendent. Mr. John N. Hall, who appeared for the receiver of the company, insisted that the Court of Appeals, having reversed the decision of the Court of Common Pleas directing payment of the money to the receiver, asked that some disposition should be made of the funds, although under the decision referred to he could not ask that the money should be paid to the receiver. Judge Van Hoesen took the papers.

A beer pump and looking glass were mortgaged to a man named Smith. They were next seized by a marshal. After this the owner replevined them. The judgment debtor put in his claim and the result was a suit, which was tried yesterday before Judge Sanford, of the Superior Court. Counsellor Nolan, who appeared for the plaintiff, got a verdict for $137, being the full amount claimed, with interest.

The trial of the suit of William Read, against Robert Speyers and others, was continued yesterday before Judge Robinson, in the Court of Common Pleas. The suit grows out of the Black Friday transactions, but differs from the suits previously brought on similar transactions in stating this as a loan of $143,000 currency on $100,000 gold, thus avoiding a legal question growing out of the statute of frauds. The trial, like all these Black Friday suits, promises to occupy several days.

In the suit of J. MacAvoy against Henry M. Sleight, in the Marine Court, the defendant moved to open a judgment entered against him by default in January. The cause of action was upon a promissory note for $1,529, for which MacAvoy had paid $1,500 in the market. The defence which Sleight proposed to set up was that the note was given to one Hunton for money lost at draw poker. Sleight testified that he was a clerk in the employ of Knower, Thomas & Co., No. 50 White street. Plaintiff claimed that he had paid the money in good faith, and that he would lose the whole of it as the payer of the note was in bankruptcy. Judge McAdam on the first hearing denied the motion, but two further hearings finally opened the default and permitted Sleight to come in and defend.

An action has been instituted in the Marine Court against Robert W. Butler, the proprietor and manager of the Globe Theatre, on the part of the Brian family, for the recovery of the amount due them on account of salary. The Brians were induced, it is alleged, by the representations of Mr. Butler to come to this city from England to give representations in their particular professional line under contract, and gave nine performances at the Globe. When pay day arrived, however, Mr. Butler declared his inability to pay the amount called for by the papers; hence the action.

Register John Fitch, of No. 345 Broadway, was yesterday appointed a United States Commissioner, by Judge A. S. Johnson, of the United States Circuit Court.

DECISIONS.

SUPREME COURT—CHAMBERS.

By Judge Donohue.

Duncan vs. Enos.—Defendant came in before order was signed.

Howell vs. Van Siclen.—Five per cent allowance.

Mehrbach vs. Mehrbach.—Referred to R. M. Henry.

In the matter of Gallard and another, &c.—Receiver appointed.

The Real Estate Trust Company vs. Rader.—Granted. Memorandum.

McCoy vs. Howard.—Motion denied. Memorandum.

Wright et al. vs. Barny; Beecher vs. Starbuck—Memorandums.

Connelly vs. Connelly; in the matter of Raynor; Cushman vs. Carman.—Denies.

Gusthal vs. Reinhardt.—Motion denied.

Andrew vs. The New Jersey Steamboat Company; Murphy vs. Schmidt; Hitchcock vs. McPyke; McDermott vs. Shields; The United States Life Insurance Company vs. Boddy and another; Lockwood vs. Chapin; Smith vs. Phillips; Murtha et al. vs. Murtha, and Allen vs. Kavanagh.—Granted.

By Judge Lawrence.

Salomon vs. Wilbur.—The order should be resettled by striking out the last clause. Let a new order be submitted leaving out the clause referred to.

McVey vs. Cantrell, and Saddiken vs. Cantrell.—The Justice by whom the undertakings were approved also heard and denied the motions to have the judgments marked "secured on appeal." No leave to renew the motion was given, but the defendant now moves for leave to give additional security for the purpose; then, if I correctly apprehend her counsel, of asking leave to have the judgments marked "secured," &c., I will allow such further security to be offered, and on that the plaintiff may apply to the Justice holding Chambers for such order as she may be advised.

By Judge Barrett.

Jones vs. Rutter—Nos. 1 and 2.—Opinions.

SUPREME COURT—SPECIAL TERM.

By Judge Van Vorst.

Baron vs. Marks et al.—Findings signed.

Millard vs. Ferguson et al.—Decree signed.

COMMON PLEAS—SPECIAL TERM.

By Judge Van Hoesen.

Diossy vs. Foster.—Trial fee allowed. See memorandum.

Salomon vs. Moral.—Application for leave to amend answer. See memorandum.

Davis vs. Davis.—Motion denied, unless defendant consent reference. See memorandum.

Blake vs. Schwartz.—Demurrer sustained. See memorandum.

Walker vs. Walker.—The issues should be carefully framed. See memorandum.

Beer vs. Gent.—Motion denied. See memorandum.

MARINE COURT—CHAMBERS.

By Judge McAdam.

Bruce vs. Ellis; Wilson vs. Loughran.—Complaints dismissed.

Hyatt vs. Ætna Iron Works.—Motion to consolidate denied.

Lesend vs. Burns.—Attachment dissolved.

Olwell vs. Brennan.—Motion to open default denied.

Franklin vs. Porter.—Motion to compel security for costs denied, without costs.

Sylvester vs. Vanbleck.—Default opened on terms.

King vs. Judkins.—G. P. Havens appointed receiver.

Harreson vs. Moore.—Motion to compel plaintiff to except answer denied, with $10 costs.

Seed vs. Teale; Waterhouse vs. Teale.—Opinions.

Wrightington vs. Inness; Sexton vs. Hoffman; Young vs. Collins.—Motions granted.

Franklin vs. Porter.—Motion to advance cause granted.

By Chief Justice Shea.

Hine vs. Dobbins.—Bill of costs taxed at $41 94.

Gouge vs. Hatch; Devoe vs. Crow; Bayer vs. Russell; Schwarz vs. Herman; Kugh vs. Swereger; McCahnl vs. Sexton; Hart and another vs. Hunt and another; Cox vs. Conner, Sheriff.—Motions denied.

Gray vs. Leeds.—Case settled.

Goodkind vs. Struckland.—Order settled.

Johnson vs. Kearney.—Motion granted.

GENERAL SESSIONS—PART 1.

Before Recorder Hackett.

ALLEGED INCENDIARISM.

Fire Marshal Sheldon's investigation in the recent case of incendiarism discovered at No. 540 Broadway, occupied by C. D. Baldwin & Co., dealers in straw goods and artificial flowers, has resulted in the arrest of Albert P. Everett, of Pawtucket, R. I. The Grand Jury found him guilty of arson and he was placed at the bar of the court yesterday, charged with the crime. He pleaded not guilty and was remanded for trial. The fire took place in May under the stairway leading from the second story, where a box containing a lighted candle was discovered. It was about time to close the store, and the two porters who saw this box immediately extinguished the candle and called an officer. The "machine" was sent to the station house and the Fire Marshal commenced his investigation. The box was eighteen inches high and eleven inches wide. The candle was in the centre and ran down into a cylinder of pasteboard, which was surrounded by bottles of kerosene oil and gunpowder, loose gunpowder being sprinkled on the bottom of the box. In several portions of the box matches were so arranged as to be easily ignited as soon as the candle burned to the edge of the box. The purpose, that of the destruction of the stock and store, was plain enough. The members of the firm and all their employés emphatically denied all knowledge of the affair and there was no evidence to show anything to the contrary.

After repeated inquiries the Fire Marshal ascertained that Everett had, previous to May 4, consigned all his goods, amounting in value to several thousand dollars, to Baldwin & Co., and had them insured for their full value. It is said that he was seen about the store acting in a suspicious manner, and it was also ascertained that after the box was found he had made an assignment of his property. These circumstances led to his indictment by the Grand Jury. His trial will shortly take place.

GENERAL SESSIONS—PART 2.

Before Judge Gildersleeve.

PLEAS AND SENTENCES.

George Carpenter, aged twenty-one, pleaded guilty to the crime of burglary in the third degree and was sentenced to two years' imprisonment in the State Prison.

James Downey, of No. 62 Market street, was sent to the Penitentiary for three months, having pleaded guilty to petit larceny.

Henry Muller, who pleaded guilty to picking a lady's pocket coming out of church, was sent to the State Prison for one year.

FIFTY-SEVENTH STREET COURT.

Before Judge Kilbreth.

A JEALOUS HUSBAND.

Arthur Henry keeps a restaurant and boarding house at No. 35 West Forty-third street, and among his boarders is John McCarrick. John is by no means a handsome fellow, and yet Henry thinks that his pretty wife has lost her senses after him. On Tuesday last, on returning home rather suddenly, he saw what seemed to him sure evidence of McCarrick's intimacy with Mrs. Henry. He ordered McCarrick, accordingly, to leave his house, and the boarder said he would when it suited him. This enraged Henry, who drew a revolver, with which he had been practising for a week in the back yard, in anticipation of just such an encounter as this, and McCarrick fled into the street. Mrs. Henry then appeared on the scene, having come, as her husband claimed, directly from McCarrick's room, and her presence had the curious effect of putting a damper on the warlike attitude of her husband and of raising the courage of her boarder, who, under her protection, returned triumphantly into the house. He applied next day to Judge Kilbreth for a warrant against his landlord, on a charge of threatening to shoot him. It was refused, the Court believing, even from his own representations of the case, that he had provoked Henry to an unbearable extent. A summons was, however, issued, and upon this Henry appeared in court yesterday, when the foregoing facts came out. He was discharged, it having been shown that the revolver he had drawn upon McCarrick had not the chambers in it and that his intention was simply to frighten his enemy away from his house. But this he has failed in, because Mrs. Henry is half owner of the business, and it is her wish that he remain.

POLICE COURT NOTES.

The examination in the case of William F. Veltman, the bookkeeper of Messrs. Bryce & Smith, liquor merchants, of No. 83 Front street, who on the 8th inst. forged the indorsement of his employers to checks amounting to $21,600, and by that means had a forged check for $12,750 certified as genuine by the Merchants' Exchange Bank, was called up before Justice Murray in the Tombs Police Court yesterday. On motion of the counsel for the prosecution the examination was adjourned for a week.

At the Essex Market Police Court Antoine Keeler, of No. 13 Chrystie street, was held for trial for stealing two twenty-dollar notes from the trunk of Margaret Wise, residing in the same house.

Alice Wilson was committed for trial by Justice Morgan at the Essex Market Court for stealing a gold watch, value $80, from Thomas J. Regusne, of No. 190 Cherry street, in a house in the Bowery, on Tuesday night.

Charles Mellis, of No. 652 Second avenue, a boy in the employ of Charles Startz, No. 236 Third avenue, was held for trial at the Essex Market Court yesterday for having embezzled $7 which he was sent to collect.

COURT CALENDARS—THIS DAY.

SUPREME COURT—CHAMBERS—Held by Judge Donohue.—Nos. 54, 115, 153, 166, 175, 176, 177, 207, 210, 228, 254, 290, 310, 315, 323, 340, 347, 351. The assessment calendar will also be called.

SUPREME COURT—GENERAL TERM.—Adjourned until July 6, for the purpose of rendering decisions.

SUPREME COURT—SPECIAL TERM—Held by Judge Lawrence.—Demurrer—No. 18. Law and fact—Nos. 97, 361, 410, 423, 379, 398, 214, 278, 279, 173, 174, 34, 587, 542, 590, 515, 536, 537, 588, 591, 348, 349, 406, 426, 426½, 399.

SUPREME COURT—CIRCUIT—Part 1—Held by Judge Westbrook.—Nos. 1311, 2859, 1555, 252, 1148, 107, 1425½, 1591, 1577, 1579, 1647, 1369, 2983, 976, 1779, 1929, 2072, 633, 1519½, 1527, 1488, 1489, 1281, 1353, 1699, 1350, 1611, 1657, 1801, 1651, 1399, 126, 675½, 1725, 1617, 1, 1403. Part 2—Held by Judge Van Vorst.—Nos. 1368, 1824, 756, 2404, 1318, 872, 2110, 1442, 2808, 698, 1011, 1436, 1437, 1876, 1164, 2702, 3012, 1028½, 914, 770, 2646. Part 3—Held by Judge Larremore.—Case on—No. 1759, Fellows and another vs. The Mayor, &c. No day calendar.

SUPERIOR COURT—GENERAL TERM—Adjourned *sine die*.

SUPERIOR COURT—SPECIAL TERM—Held by Judge Sedgwick.—Case on—No. 41, The Sixth Avenue Railroad Company vs. The Gilbert Elevated Railway Company. No day calendar.

SUPERIOR COURT—TRIAL TERM.—Part 1—Held by Judge Sanford.—Nos. 1113, 1136, 787, 1054, 1283, 1068, 1092, 1176, 1177, 1180, 1035, 1071, 979, 2135, 2060. Part 2—Held by Judge Speir.—Nos. 964, 1064, 1027, 968, 1780, 2203, 864, 1189, 1200, 1201, 1202, 1005, 608, 741, 1139.

COMMON PLEAS—EQUITY TERM—Held by Judge Van Hoesen.—Nos. 24, 4, 28, 30, 27, 19, 1, 6, 8, 23, 34, 18, 20, 33, 2, 3, 25, 26, 5, 9. Demurrers—Nos. 2, 3 and 4.

COMMON PLEAS—GENERAL TERM.—Adjourned until June 26, 1876, for the purpose of rendering decisions.

COMMON PLEAS—TRIAL TERM—Part 1—Held by Judge Robinson.—Nos. 706, 1693, 1504½, 2112, 1308, 1199, 2128, 1012, 1721, 2495, 2129, 1680, 1867, 2152, 2230, 1184, 1143, 2154, 1104, 1658, 2221, 2392, 2072, 1350, 2542, 1353, 1775, 1621. Part 2—Held by Judge Van Brunt.—Nos. 2441, 1804, 1497, 2136, 2192, 2139, 2535. Part 3—Held by Judge J. F. Daly.—Nos. 2516, 2503, 2520, 2573, 2579, 2517, 2081.

MARINE COURT—TRIAL TERM—Part 1—Held by Chief Justice Shea.—Nos. 446, 4175, 4176, 4177, 3941, 4200, 2720, 7588, 7074, 7863, 4069, 6195, 3877, 7139, 2375. Part 2—Held by Judge Sheridan.—Nos. 4116, 4245, 4281, 6534, 4114, 3886, 7826, 7827, 6705, 4125, 4090, 5341, 4241, 7621, 7574. Part 3—Held by Judge Sinnott.—Nos. 7360, 6951, 7877, 6008, 6952, 6879, 6308, 4911, 6761, 7077, 7078, 6927, 7945, 5214, 7442.

COURT OF GENERAL SESSIONS—Part 1—Held by Recorder Hackett.—The People vs. George Knight, homicide; Same vs. John Anderson, grand larceny; Same vs. John Connelly, grand larceny; Same vs. Esther Weeks, grand larceny; Same vs. Otto Hopfield, receiving stolen goods; Same vs. Andrew Cassidy, petit larceny. Part 2—Held by Judge Gildersleeve.—The People vs. Alexander Thebenet, robbery; Same vs. Joseph Kearns, felonious assault and battery; Same vs. Alexander Simons, felonious assault and battery; Same vs. Patrick McMahon, felonious assault and battery; Same vs. William Brown, felonious assault and battery; Same vs. Frederick Smith, felonious assault and battery; Same vs. Jacob Schoenholz, burglary; Same vs. Matthew Tierney, grand larceny; Same vs. Thomas Morley, grand larceny; Same vs. Sarah Smith, grand larceny; Same vs. Ephraim Rock and William Walker, felony; Same vs. John Flanigan, false pretences; Same vs. Jeremiah Lynch, assault and battery; Margaret Hallenbeck, disorderly house.

COURT OF APPEALS.

ALBANY, June 14, 1876.

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

No. 236. Fairfax vs. The New York Central and Hudson River Railroad.—Argument resumed and concluded.

No. 237. Hall vs. Sturges.—Upon motion of Charles H. Baily, for respondent, judgment affirmed by default.

No. 239. English vs. The President, &c., of the Delaware and Canal Company.—Argued by J. G. Runkle, for appellant; O. W. Chapman, for respondent.

No. 243. Mercer vs. Vose.—Argued by S. Hand, for appellant, and Osborne Bright, for respondent.

No. 387. Tully vs. The People.—Argued by William F. Howe for plaintiff in error, and by Thomas S. Moore for the people.

Adjourned.

CALENDAR.

The following is the day calendar for Thursday, June 16, 1876:—Nos. 147, 231, 208, 205, 217, 225, 151, 244.

THE HARLEM MURDER.

THE TRIAL OF THOMAS BATTELL CONCLUDED—FOUND GUILTY OF MURDER IN THE SECOND DEGREE—THE PRISONER REMANDED FOR SENTENCE.

The trial of Thomas Battell for the murder of Ann Hammar, at Harlem, in March last, was resumed yesterday in the Court of General Sessions, Part 1, before Recorder Hackett. The proceedings were delayed some time, owing to the absence of one of the jurors. The court room was crowded, as on the day preceding, and the result of the case was awaited with interest. Assistant District Attorney Russell appeared for the prosecution, the prisoner being defended by Mr. William F. Kintzing, by whose side the prisoner sat with a look of perfectly stolid indifference. It will be remembered that the prisoner denied in general terms any complicity in the murder, and explained the statements he had made in the presence of the police officers by saying he was so bewildered at the time that he would have returned thoughtless answers to any questions put to him. The prisoner's wife and a number of friends were present in court, as also the five children of the murdered woman, all of whom were dressed in deep mourning.

THE PRISONER CROSS-EXAMINED

The prisoner, on cross-examination, testified that the stockings and the handkerchief found on his person marked with blood were unaccountable to him; he did not know why he put the clean stockings in his pocket, but thought he had put them there in his hurry in leaving the house; when he heard the knocking at the door by Mrs. Freeman he had his stockings in his hand; he remembered at least four distinct knockings at the door, and then heard Mrs. Freeman say, "O, my God;" he then ran out of the house, and went to the corner of 109th street; he then saw a woman and followed her; he did so because he thought it was Mrs. Freeman; his reason for leaving the house was that he thought some tramps might have been in the house; he did not remember that any priest was in the house when he was taken to view the body, and did not recollect that he told Captain Robbins that he had been advised not to say anything, or that he had any fight with Ryan.

Rev. Hugh Flattery was next examined. He said that he was near the house where the homicide was committed; he had heard of it, and asked if the woman was dead, and the prisoner answered, "Yes, she is dead;" he then went into the room and saw Mrs. Battell and told her and the prisoner to keep quiet and not say anything until he was made to do so; the prisoner seemed very much disconcerted.

To Mr. Kintzing—I did not know the prisoner previously.

THE PRISONER'S WIFE

was then placed on the witness stand. In reply to Mr. Kintzing she said that the bloody cuffs found in the pocket of the prisoner were shown her. She testified that she had never seen them before; that she had not made the shirt to which they had been attached, and that she could not recognize them as having belonged to her husband; she had never made shirts for her husband, so she could not have made the cuffs in question.

THE PRISONER'S CHARACTER.

Mr. Mark E. Green, a master painter, testified that the prisoner had worked for him for nearly twelve years; he had always regarded his character as good; did not know he was a drinking man. The evidence of this witness was corroborated by his son. The other witnesses who also testified to his good character were Denis Cogan, Felix B. Fort, John Smith, Frederick Skinner, Patrick Martin, James Rogers, Leonard R. Wells, Joseph Hagar and Lewis Genge.

THE ADDRESS FOR THE PRISONER.

Mr. Kintzing then addressed the jury on behalf of the prisoner, and evidently made an impression on those in court by the subtlety of his argument and the eloquence of his closing remarks. He first referred to the different theories suggested by the four counts in the indictment, and demonstrated how utterly futile it was to evolve from them any rational supposition of the guilt of the prisoner. There was no circumstance to show that this crime was committed by Battell; not a particle of evidence to sustain a suspicion of malice prepense, and the idea of compassing the death of Mrs. Freeman was the creation of a fertile imagination. Counsel then adverted to the circumstances that were relied upon with most confidence by the prosecution to support the charges in the indictment, and endeavored to reconcile them with the innocence of Battell, and his conversation and excited remarks were made susceptible of a similar explanation. The bloody shirt, the cuffs, as cut off and smeared with blood, and the stockings, stained also with blood, were referred to in succession, and, by a process of reasoning that was rather subtle, pictured as being thrown hastily together by the real offender in order to fix suspicion on the prisoner, and from a similar motive the cuffs were deposited in his unfortunate client's pocket while he was partially intoxicated. Each incident that was regarded as a link in the chain of evidence in the case against Battell was touched upon by Mr. Kintzing, in order to point out such weak features in it as might render it inadmissible, and to illustrate the unsafe and unreliable character of circumstantial evidence a number of cases from Phillip's work on evidence were read over and commented upon at some length. The definition of the crime of murder, according to the statute, was then given by counsel, by way of refreshing the minds of the jury and to prevent any misconception in arriving at a conclusion. Mr. Kintzing concluded by a vigorous and touching appeal to the jury on the important issue now placed in their hands, where the prerogative of life and death to the accused might be said to be exercised by them. Whether doomed to the gallows or consigned to a felon's cell his fate would be gloomy in the extreme, and would affect his wife and relatives most painfully. He therefore entreated a careful sifting of the evidence and mature deliberation on the result, and that where any doubt arose the prisoner would be allowed the benefit of it.

AFTER RECESS.

Assistant District Attorney Russell summed up on the part of the prosecution. He contended that the case was extremely simple from beginning to end. There was nothing complicated about it, and if any doubts prevailed in the minds of the jury as to the guilt of the accused, the doubt must have been dissipated and solved by the testimony of the prisoner on the stand. His explanation of his movements on the day of the painful occurrence could only produce one impression, and that unfavorable to the prisoner. The most able and learned judges have expressed the opinion that circumstantial evidence is more reliable than direct evidence. Counsel here cited several eminent authorities in support of his opinion, and then proceeded to review the evidence, submitting that it was clear throughout and implicated the prisoner in the terrible crime with which he was charged.

Recorder Hackett then charged the jury with characteristic terseness and impartiality, defining the law on the questions at issue and otherwise instructing them in the main points bearing on the case. He showed that they had but one alternative if they believed the testimony adduced against the prisoner, while on the other hand, if they had any well founded doubt on the subject, the prisoner was entitled to it.

The jury retired shortly after three o'clock, and after an absence of about half an hour brought in a verdict of

MURDER IN THE SECOND DEGREE,

on the announcement of which there were manifested the usual whisperings of opinion incident to such occasions. The children of the murdered women, however, became greatly excited and screamed loudly. Two of them made a frantic rush at the jury as they left the jury box and came very near scratching out the eyes of one of the jurymen. The verdict took everybody by surprise. The prisoner seized his counsel by the hand and thanked him warmly for having saved him from the gallows. After the excitement had subsided the prisoner was remanded and will be brought up this morning for sentence.

A CRAZY WOMAN'S COMPLAINT.

Some four days ago an elderly lady, who gave the name of Mrs. C. C. Allen, appeared before Justice Duffy, at the Washington Place Police Court, and asked that a warrant be issued for the arrest of Mrs. Ammerman, keeper of a fashionable boarding house in East Eighty-sixth street. Justice Duffy granted a summons in the case, which was served on Mrs. Ammerman. Mrs. Allen then applied for subpœnas for witnesses whom she wanted to testify, and it was then discovered that she was eccentric, as among the persons she desired to have in attendance were the late A. T. Stewart, John Jacob Astor, President Grant and Charles Sumner. Yesterday afternoon Mrs. Ammerman appeared at court, accompanied by Mrs. John A. Kennedy, wife of the late Superintendent Kennedy, Mrs. Lorillard, and a number of other prominent ladies. Mrs. Ammerman said that Mrs. Allen came to board with her and owed $25. She ordered her to leave and she did leave, her clothes and trunks remaining behind. Miss Linda Gilbert, the founder of the prisoners' libraries through the country, was examined, and testified that Mrs. Allen had called on her and said she had been assaulted by Mrs. Ammerman, who detained her clothes; she called on Mrs. Ammerman, who received her in a ladylike manner and gave her the clothes, saying she was glad to get rid of them. Mrs. Kennedy and Mrs. Lorillard testified as to Mrs. Ammerman's character in the highest terms of commendation. Justice Duffy discharged Mrs. Ammerman, expressing his regret that his official duty had required him to compel her attendance at court.

MUNICIPAL NOTES.

On June 23 the Commissioner of Public Works will open bids for laying Croton mains on Willis avenue and other streets. On the 22d he will open bids for the construction of four free baths.

The Police Department will on the 23d open bids for the supply of 1,600 tons of coal for the use of the department.

On the 21st inst. the Park Department will open bids for paving the roadway in Washington Park. The work consists of 9,700 square yards of new pavement and 770 feet of new bridge stone. On the same day they will open bids for 3,000 cubic yards of screened gravel for use on the Central Park.

It is not likely that the investigation by the Committee on Fire and Buildings, of which Alderman Keenan is chairman, will begin work until after the St. Louis Convention, as members of it intend to be present at the Convention. The republican members are now absent at Cincinnati.

The Commissioners for the Opening of Streets have filed their reports with the Clerk of the Supreme Court, recommending the opening of parts of 100th street, 144th street, 156th street, 157th street, 158th street and 159th street; the assessments for which work have been filed.

REAL ESTATE.

At the Exchange yesterday the following foreclosure sales were held:—

R. V. Harnett sold a house, with lot 26x80, on Ludlow street, east side, 25 feet north of Stanton street, for $21,200 to the plaintiff.

E. A. Lawrence & Co. sold a house, with lot 25x100, on West Twenty-sixth street, north side, 187.6 feet west of Ninth avenue, for $10,700 to A. N. Marsh.

William Kennelly sold a house, with lot 19.4x103.3, on West Twelfth street, south side, 382 feet east of Sixth avenue, for $9,400 to D. M. Thompson.

James M. Miller sold one building and lot on the north side of Boston road, 60.5 feet west of Denman street, 21x85x33x75, to the plaintiff for $5 000; also one lot, 25x100, on the south side of Denman street, 225 feet east of Cortlandt avenue, to the plaintiff for $6,025. There is said to be unpaid interest upon the mortgages upon both of these "parcels," which has not been estimated.

TRANSFERS.

68th st., s. s., 156.3 ft. e. of 2d av., 37.6x100.5; also 68th st., s. s., 212.6 ft. e. of 2d av., 18.9x100.5; Geo. Repper and wife to John H. Repper ..... Nom.

119th st., s. s., 175 ft. w. of 1st av., 25x100.10; J. A. Roleras and wife to G. S. Hickok $3,000

Madison av., e. s., 100 ft. n. of 10 th st., 20x50; J. W. Allen and wife to S. C. Welsh and others, executors 1,500

Riverdale av., e. s., 13 acres (24th ward), ¼ part of; E. D. Kwen to Austin D. Ewen 9,750

Cliff st., n. s., 70 ft. e. of Concord av., 21x100 (23d ward); Jared F. Harrison and wife to H. F. S. Wheeler 1,000

9th av., e. s., 78.10 ft. s. of 17th st. 25x100; P. Malone to J. Russell and others 100

Cliff st., n. s., 70 ft. e. of Concord av, 21x100 (23d ward); H. F. S. Wheeler and husband to C. Decker. 4,500

Madison av., n. e. corner of 84th st., 62.2x75; John W. Warner and wife to J. W. McKee 2,400

34th st., s. s., 258.4 ft. w. of 8th av., 16.8x98.9; F. Larkin to J. Carry ..... Nom.

34th st., same property; John Carry to F. Larkin .... Nom.

Thompson st., w. s., 243.6 ft. n. of Prince st., 49.4x100; B. W. Hitencock and wife to William W. Sharpe 80,000

57th st., n. s., 190 ft. w. of 4th av., 20x100.5; B. McKenney and wife to M. L. Patten 32,000

Mulberry st., w. s., 96.3 ft. s. of Bayard st., 69x100.10; M. Danziger to A. H. Jones 23,000

130th st., n. s., 105 ft. e. of 5th av., 16x99.11; F. W. Loew (referee) to A. Sober 9,050

73d st., n. s., 18 ft. w. of Madison av., 18x80; John A. Goodlett (referee) to E. P. Beach 23,600

MORTGAGES.

Decker, Clara and husband, to H. F. S. Wheeler, n. s. Cliff st. (23d ward); 1 year 500

Same to same, n. s. Cliff st. (23d ward); 1 year 500

Same to same, n. s. Cliff st. (23d ward); 1 year 500

Same to same, n. s. Cliff st. (23d ward); 1 year 500

Same to same, n. s. Cliff st. (23d ward); 1 year 500

Same to same, n. s. Cliff st. (23d ward); 1 year 500

Morange, Hymen and wife, to S. Morange, e. s. Broome st., e. of Essex st., 2 years 6,000

Hinds, Sarah and husband, to Manhattan Savings Bank, s. s. 27th st., e. of 9th av.; 1 year 1,000

Heyer, Maria A., to Adolph Speck, s. e. corner Terrace place and Milton st.; 2 months 3,000

Dewhurst, John and wife, to M. L. Jarvis, s. e. corner of 7th av. and 40th st.; 2 years 6,750

Martin, Adam C. and wife, to William W. Letson, n. s. of 7th st., w. of 7th av.; 1 year 2,000

Reeber, Mary M., to William M. Smith, Railroad av. (23d ward); 3 years 2,300

Hoover, L. S. and husband, to Fernando Wood, s. s. of 104th st., e. of 4th av.; 1 month 1,750

Jones, A. H., to Max Danziger and others, w. s. of Mulberry st., s. of Bayard st.; 2 months 5,200

Van Cott, Maria L. and husband, to James P. Lowrey, n. s. of Wall st., e. of Boston road (23d ward); 3 years 3,000

Galligan, William and wife, to Mutual Insurance Company, s. s. of Monroe st., e. of Market st.; 1 year 4,000

Dewhurst, John and wife, to same, s. e. corner of 7th av and 40th st.; 1 year 30,000

Bergmann, John H. and wife, to Mutual Life Insurance Company, n. s. of 21st st., w. of 7th av.; 1 year 10,000

Hayes, William and wife, to New York Savings Bank, s. w. corner of 36 av., 80th st.; 1 year 12,500

Clark, Elizabeth C. H., to G. A. C. Van Benren, s. s. of 25th st., e. of 8th av.; 3 years 6,000

Basta, W., to William Mallory, s. s. of Gansvoort st., w. of Washington st.; 1 year 517

Burke, Margaret and husband, to Henry D. Brookman, No. 83 Elizabeth st. 2,000

Cassin, James and wife, to Henry P. Townsend, n.