THE COURTS.

Estate of Charles M. Barras, of Black Crook Fame.

IMPORTANT DECISION BY SURROGATE CALVIN.

The Law Governing Transfers of Stock.

In the matter of the motion to confirm the report of the referee and creditors of the late Charles M. Barras, of "Black Crook" fame, who was killed by a railway accident, Surrogate Calvin rendered his decision yesterday. Proceedings were instituted by Washington Barras, one of the next of kin, for an accounting by Hiram D. Barras, administrator, and for the payment of petitioner's distributive share of the estate, alleging that eighteen months had elapsed since the granting of the letters. The administrator filed his account, to which numerous objections were interposed, and the matter was referred to Peter V. Burkself, who made his report, dated April 27, 1876, filed May 13 following. The account, among other things, charged the estate with certain traveling expenses, expenses for surety on administrator's bond, for the storage of theatrical apparel, for advertising, telegraphing and the amount of a claim by the administrator on two obligations of the deceased to the administrator. A portion of the assets consisted of a play called the "Black Crook." The administrator resided in San Francisco and incurred a great deal of expense in giving notice to persons in different parts of the country of the intestate's exclusive use of the "Black Crook," and warning others against trespassing on his rights. On the hearing before the referee and creditors the administrator detailed the various expenses and the necessity for their being incurred, and gave evidence of the authority to pay himself two obligations for $1,000, purporting to be signed by the intestate, with interest from the date of settlement. Several witnesses testified that the signature to the obligations was that of the intestate, the only contradictory evidence being that of two witnesses who claimed that they heard the administrator say that he had no note of the claim excepting a letter; but this was denied by the administrator. An expert also testified that the signatures to certain checks, conceded to be signed by the deceased, were different from the signatures to the obligation. The referee in his report disallowed a number of the administrator's charges and the claims, on the ground that they were not signed by the intestate. To this report the administrator objected upon various grounds, the most important of which were that the referee did not file his report within sixty days; that he assumed to rule upon the admission of testimony; that he disallowed necessary expenses; that the findings are contrary to law and evidence. The exceptions were considered in detail by the Surrogate, who decides that there is no time limited for a report of a referee; that there is no reason to doubt that the referee was vested with authority to pass upon the questions of the admissibility of testimony; that it is impracticable for this Court to pass upon the question of necessary charges. The exception to the disallowance of the claims, he holds, is well taken, as it is difficult to understand how the testimony of the expert was competent. The Surrogate concludes as follows:—"I think the report of the auditor should be modified, and as to the various items of expense disallowed by the referee, I am not sufficiently advised by the papers before me to pass upon the questions more definitely than I have already done, but if the administrator is of the opinion that injustice has been done him in these respects, he may have a new reference on these questions, such reference to be had at his expense."

TRANSFERS OF STOCK.

In the suit brought by John C. Conner, Jr., against the New Jersey and New York Railroad Company, David P. Patterson and Henry C. Deming, tried before Judge Speir, at Special Term of the Superior Court, a decision was given yesterday sustaining the demurrer to the complaint, but with leave to amend the same. The action was brought on account of the refusal of the defendants to transfer to the plaintiff some 4,500 shares of the company's stock; the defendant, Patterson, being the President of the company and Deming the Secretary, the claim being that it was their duty to make such transfer. The demurrer was on the grounds that there is a defect of parties, a misjoinder of causes of action and not sufficient facts to constitute a cause of action. Judge Speir overruled the first two points, but holds that there was nothing in the complaint to show that it was the duty of the President and Secretary to make the transfer in question; that it contained no allegation that they were bound by any clause contained in the certificate, or that there was any law or resolution by which any duty was created imposing upon them as officers of the corporation to act as agents or otherwise to make the transfer; that, in short, nothing is shown in the complaint how transfers of stock were to be made on the books, by what persons or officials as agents, and particularly whether the president and secretary were authorized or under any legal obligation to perform that duty, and that until that appears it cannot be inferred that they are liable for the non-performance of a duty not imposed by law.

SUMMARY OF LAW CASES.

James Bailey, one of the contestants of the will of the late Alexander T. Stewart, appealed yesterday from the Surrogate's order admitting the will to probate, and for proof thereof to the Supreme Court. He filed a bond for $100.

The examination of Captain J. S. Grindle, of the ship St. Mark, who was arrested on a charge of cruel and unusual punishment, which was to have been continued yesterday, was adjourned until to-morrow.

Suits were begun yesterday in the United States District Court against the following defendants and their sureties on warehouse bonds:—J. & S. Badell, two cases, $28,407 and $148; C. Moriot & Co., $34,000; B. Ortega, $300; Paul Valee, $700.

On motion of Colonel Hart, counsel for the next of kin, Marly Hanlon, who petitions for the removal of John Kerrigan, administrator of his wife's estate, on the ground of incompetency, Surrogate Calvin yesterday ordered a reference to Henry Wood to report as to the facts.

William Welden, a liquor dealer doing business at No. 143 Water street, was arrested yesterday by a deputy United States marshal on complaint of Collector Blake, of the Thirty-second district, who charges him with selling liquor at wholesale and retail without paying the special tax required by law. Weldon was taken before Commissioner Shields and admitted to bail to await examination.

Isaac Leopold got judgment by default against Freund & Akers for a meat bill. A motion was made yesterday by Colonel George H. Hart to open the default on the ground that an implied warranty followed a sale of meat. On the other hand, it was claimed that the doctrine of caveat emptor should apply. Judge Donohue granted the motion.

Harrison and Stewart, the so-called boarding house runners, were yesterday brought before Judge Donohue in Supreme Court, Chambers, on a writ of habeas corpus sued out by Mr. William F. Howe, their counsel. Their discharge was vigorously urged on the ground that there was not sufficient evidence to hold them. Judge Donohue thought otherwise, dismissed the writ and remanded the prisoners.

Bryan Cunningham, indicted June 10 by the General Sessions Grand Jury for a felonious assault, was brought before Judge Donohue yesterday on habeas corpus. His counsel claimed the prisoner's discharge on the ground that he had been in prison two months without trial. In opposition it was contended that the motion should be made in the General Sessions Court. Judge Donohue so held, and remanded the prisoner.

DECISIONS.

SUPREME COURT—CHAMBERS.

By Judge Lawrence.

Wallace & Sons vs. Castle.—The Clerk appears to have been right in striking the sums of $100, $2 from the amounts charged for costs before notice of trial, and for the service of additional defendants. The statute allows in these cases $15 to the plaintiff, and not $25, before notice of trial, and I cannot ascertain from the papers that there was any proof that the third defendant had been served. The plaintiff was, in my opinion, entitled to the statutory allowance under section 306 of the Code. As it does not appear how many motions have been made or affidavits or acknowledgments taken I shall sustain the Clerk's rulings in respect to these items. The disbursements for printing cases and points should have been allowed under the order of the General Term. The Clerk will also be sustained in the taxation of the amount allowed for copying papers, for the reason that nothing appears in the papers to show that he erred in the adjustment as to that item. With reference to the disallowance of the item charged for Sheriff's fees it appears that the Clerk was correct in his action, not because it was premature to tax the item, because there had been an appeal from the order to the Court of Appeals; but because, under section 213 of the code, the Sheriff's compensation should have been fixed by the officer issuing the attachment and also because there was nothing before the Clerk to show of what items the bill was composed. There should be a readjustment of the costs and disbursements in accordance with the views above expressed.

By Judge Donohue.

Consolidated Fruit Jar Company vs. Mansfield.—Motion denied.

In the matter of Schultze.—Writ dismissed; child returned to mother; father must have liberty to see it.

Pam, &c., vs. Tilman.—Granted.

In the matter of Sophie Stien.—Child to remain with godfather for the present, with leave to the relator to apply on further facts.

Feilkamp vs. Goodchild.—Order granted.

Ammerman vs. Barton, &c.—Motion for stay granted.

Lewis vs. Ross.—Memorandum.

SUPERIOR COURT—SPECIAL TERM.

By Judge Speir.

Connor, Jr., vs. The New Jersey and New York Railroad Company.—Judgment for the defendants, Demming & Patterson, on the demurrer, with usual leave to answer. See memorandum.

McDonald vs. Abenroth.—Counsel are requested to submit brief and arbitrations by the 28th of August inst.

Harris vs. Burdett.—Charge settled.

Hirsch vs. Mead et al.—Reference ordered.

Marchant vs. Fox; Wagstaff vs. Smith; Mattnacht vs. Stemmetz; Burchell vs. Combes et al.; Strupman vs. Muller et al.; Windonaller vs. Wiley et al.; Burchall vs. Combes.—Orders granted.

COMMON PLEAS—SPECIAL TERM.

By Judge Van Brunt.

Fry vs. Karl and others; Fry vs. Murphy and others.—Orders of reference to compute.

In the matter of James Moore, &c., infants.—Order confirming referee's report. See memorandum.

Leopold vs. Freund and another.—Motion granted on conditions. See memorandum.

POLICE COURT NOTES.

An examination was had by Justice Morgan yesterday in the case of Thomas Varley and Thomas Nolan, of the Clinton House, No. 305 Bowery, charged with drugging and robbing Celestine Peuzler, a brewer, of Plymouth, Ohio, of $220 and checks for $2,000. The prisoners were honorably discharged, the evidence against them being wholly insufficient.

At the Washington place Police Court yesterday Michael Holland, a butcher, of No. 443 West Thirty-eighth street, was held for stabbing and severely wounding Lawrence Ward, of No. 525 West Twenty-ninth street.

Harris Levy, a dealer in second hand clothing at No. 132 Greenwich street, was fined $25 by Justice Murray in the Tombs Police Court yesterday for purchasing a coat valued at $10 which had been stolen from Robert Walkins, who keeps a store next door, and failing to make a memorandum of it as the law requires.

John Shea was held for trial, in default of $1,000 bail, by Justice Murray, for burglariously entering the office of Clarence W. Noble, at No. 104 Broadway, and carrying off property valued at $45.

Joseph Williams was also held for trial on a charge of stealing a piece of cloth valued at $30 from Moses Schwarzbaum, at No. 124 Greenwich street. Officer Ahearn, of the Sixth precinct, found the goods in his possession.

COURT CALENDAR—THIS DAY.

SUPREME COURT—CHAMBERS—Held by Judge Donohue.—Nos. 31, 44, 46, 51, 56, 57, 61, 67, 68, 91, 94, 109, 121, 146, 148, 150, 156, 183, 180 (two cases), 183.

UNITED STATES SUPREME COURT DECISION.

SALE AND PURCHASE—THERE CANNOT BE ONE WITHOUT THE OTHER—WHERE ONE IS SHOWN BOTH ARE ESTABLISHED.

WASHINGTON, D. C., August 21, 1876.

No. 209. Benjamin F. Butler, plaintiff in error, vs. Alexander A. Thomson and William Thomson—In error to the Circuit Court for the Southern District of New York.—The plaintiff alleged that, on the 11th day of July, 1867, he bargained and sold to the defendants a quantity of iron, thereafter to arrive, at prices named, and that the defendants agreed to accept the same and pay the purchase money therefor; that the iron arrived in due time, was tendered to the defendants, who refused to receive and pay for the same, and that the plaintiff afterward sold the same at a loss of $6,581, which sum he requires the defendants to make good to him. The defendants interposed a general denial. Upon the trial the case came down to this:—The plaintiff employed certain brokers in the city of New York to make sale for him of the expected iron. The brokers made sale of the same to the defendants at twelve and three-quarters cents per pound in gold, cash.

The following memorandum of sale was made by the brokers, viz.:—

NEW YORK, July 10, 1867.

Sold for Messrs. Butler & Co., Boston, to Messrs. A. A. Thomson & Co., New York, 705 packs first quality Russia sheet iron, to arrive at New York, at twelve and three-quarters cents per pound, gold, cash, actual tare. Iron due about September 1, 1867.

WHITE & HAZZARD, Brokers.

The defendants contend that under the statute of frauds of the State of New York this contract is not obligatory upon them. The Judge before whom the case was tried at the circuit concurred in this view, and ordered judgment for the defendants. It is from this judgment that the present review is taken. The provision of the statute of New York, upon which the question arises (2, R. S., 136, sec. 3), is in these words:—"Every contract for the sale of any goods, chattels or things in action, for the price of $50 or more, shall be void, unless (1) a note or memorandum of such contract be made in writing and be subscribed by the parties to be charged thereby, or (2) unless the buyer shall accept and receive part of such goods, or the evidences, or some of them, of such things in action; or (3) unless the buyer shall at the time pay some part of the purchase money." The eighth section of the same title provides that "every instrument required by any of the provisions of this title, to be subscribed by any party, may be subscribed by the lawful agent of such party." There is no pretence that any of the goods were accepted and received, or that any part of the purchase money was paid. The question arises upon the first branch of the statute—that a memorandum of the contract shall be made in writing, and be subscribed by the parties to be charged thereby. The defendants do not contend that there is not a sufficient subscription to the contract. White & Hazzard, who signed the instrument, are proved to have been the authorized agents of the plaintiff to sell and of the defendants to buy, and their signature, it is conceded, is the signature both of the defendants and of the plaintiff. The objection is to the sufficiency of the contract itself. The written memorandum recites that Butler & Co. had sold the iron to the defendants at a price named, but it is said there is no recital that the defendants had bought the iron. There is a contract of sale, it is argued, but not a contract of purchase. As we understand the argument, it is an attack upon the contract, not only that it is not in compliance with the statute of fraud, but that it is void upon common law principles. The evidence required by the statute to avoid fraud and perjuries, to wit, a written agreement, is present. It is held that there cannot be a sale without a purchase, nor a seller unless there is likewise a purchaser. A sale is a meeting of two minds by which a title passes from one and vests in another. A man cannot sell a chattel and still continue to be the owner of it. When, therefore, the parties mutually declare in writing that Butler & Co. have sold a certain amount of iron to Thomson & Co. at a price named, there is included therein a certificate and declaration that Thomson & Co. have bought the iron at that price. Reversed. Mr. Justice Hunt delivered the opinion.

THE FIFTY-SIXTH STREET RIOT.

John Cody, who with his two sons were arrested as participants in the West Fifty-sixth street riots, was admitted to bail in $3,000 yesterday by Judge Kasmire at the Fifty-seventh Street Court. An additional affidavit against the accused was made by Hugh Fitzpatrick, one of those who had been shot by Patrick Cody and slightly wounded in the head. Bail was fixed for James Cody at $2,000, but he was unable to furnish it. Patrick has been fully committed for trial at the General Sessions without the alternative of giving bail to any amount. An examination was accorded yesterday to the father and James, but not being ready to go on the papers in their cases will be sent at once to the District Attorney. Patrick Cody says great injustice has been done him by the statement that he has been in State Prison. He says he has never been there.

RECRUITING FOR GAMBRINUS.

John Meuth, aged eleven years, whose parents reside at No. 413 West Fifty-third street, was arraigned at the Fifty-seventh Street Court yesterday on a charge of intoxication. He said that Peter Roth, a brewer, of East Fifty-eighth street, forced him to drink four glasses of lager, which made him drunk. Roth was sent for by the Court, and admitted having given the boy the lager, but denied having forced him to drink it. A charge of disorderly conduct was taken against him, and he was held in bonds to be of good behavior for six months, in addition to being fined $10. The boy was discharged.

TENEMENT HOUSE AFFRAY.

About midnight on Sunday last Michael Guilfoyle and John Marshall, of No. 11 State street, Brooklyn, went to settle a grievance of Guilfoyle's against one John Sullivan. On entering the hallway they met Mrs. Sullivan and struck her. Her screams brought John, her husband, to the rescue. He proceeded to belabor Marshall, who got a terribly battered scalp and was so disfigured as to be unrecognizable. Guilfoyle was knocked senseless with a blow on the head, dealt him with a stone by a woman. Patrolmen Steadman, of the First precinct, arriving on the ground the fight ceased and the wounded men were removed to the College Hospital, Henry street, in an ambulance. Detective Mahoney, of the Third precinct, then arrested Sullivan, who had some bad wounds on the head and face. Guilfoyle stated at the hospital that Mrs. Sullivan struck him on the head with a barrel stave. Mrs. Ellen Marshal, wife of Marshall, said that Mrs. Bridget McNally threw the stone, whereupon Mrs. McNally was taken into custody. She presented a pitiable sight, being badly beaten. Bail was yesterday refused by Justice Delmar for the prisoners, who were committed to jail. Guilfoyle's skull is fractured at the nose, and it is feared that some artery has been ruptured, from which a blood clot is forming on the brain. Last evening his condition was very critical.

MAYHEM.

Roundsman Barry, of the Tenth precinct, Brooklyn, arrested Charles De Groot, of No. 605 Washington avenue, on complaint of William Kelly, brother-in-law of the prisoner, whom he charges with having bitten off the tip of his ear during a quarrel between them. Charles is held for examination before Justice Semler on charge of mayhem.

BURGLARY FRUSTRATED.

The chemical works of Charles Cooper & Co., in Clifford street, Newark, were entered a few nights ago by burglars. While searching for plunder the burglars dropped a lighted match among some hat cotton in course of preparation. An explosion took place which shot the robbers from the place and did $2,000 worth of damage. No arrests.

THE RESCUED FENIANS.

HOW THEY WERE TREATED YESTERDAY—THE CATALPA.

Crowds of visitors swarmed around O'Donovan Rossa's Hotel yesterday, anxious to get a view of the escaped Fenians, but without success. The men rose early and took their several ways to visit their friends. Before they left they held a meeting, at which no one but themselves was present, and the nature of the business transacted they did not wish to make public. The bark Catalpa, which is still lying off the Battery, is the subject of much curiosity, and boatloads were carried to and from her during the day. The story of the rescue was told and retold, and the whaleboat in which the prisoners made their escape was critically examined. Trifling souvenirs were eagerly sought after, and every little article in any way associated with the enterprise was held in high appreciation. The Catalpa will sail this morning for New Bedford.

THE FERRY FRAUDS.

TRIAL OF THE ACCUSED TICKET COLLECTOR OF THE DESBROSSES STREET FERRY.

The case of Morgan Decker, a ferry master at the Desbrosses street ferry, who is charged with forming a conspiracy with several others to defraud the Pennsylvania Railroad Company out of a large amount of money by the resale of tickets received from passengers at the ferry, was called up before Justice Murray, in the Tombs Police Court, yesterday for examination. It will be remembered that two others who were connected with Decker in the conspiracy were committed for trial in default of heavy bail a few days ago. Mr. William M. Plattner, who makes the complaint and was also concerned in the conspiracy, was called to the stand. He stated, in answer to the questions of counsel, that he was a resident of and a constable in Newark, N. J.; he was appointed to the latter position on the 14th of January in the present year, having been discharged from the employment of the Pennsylvania Railroad on the 20th of September, 1875. He served as ticket collector for the company at Jersey City, from the 1st of April until the 1st of September, and at Desbrosses street, New York, from the latter date until the 20th of December. On the 1st day of October, 1875, he was at Desbrosses street collecting under Morgan Decker, who was ferry master. On that date he kept 160 passenger ferry tickets which should have been deposited in a locked box provided by the company for that purpose and carried them to Decker, who resold them and afterward divided the proceeds with him. He denied that they had made any previous arrangement or that either party spoke a word when he delivered the tickets. They afterward met on one of the ferryboats going to Jersey City, when Decker sat down beside him and slipped his share of the proceeds into his hand under one of the iron arm rests in the rear gentlemen's cabin. He denied any expectation of a reward from the Pennsylvania Railroad Company, or any person connected therewith, for making the complaint against the others. Counsel for the defence asked him if he did not state to Judge Pawlin, of Newark, on the 6th inst., the day before he made the complaint, on board the steamboat Novelty, that he had a dirty job to do next day and that he would receive $500 for doing it from the Pennsylvania Railroad Company. He answered that he did not remember saying it, but would not deny that he did say it, but he would swear that he did not expect a good situation from the company for his action. He stated on further questioning that he was living at present at the St. Nicholas Hotel, he went there at the instigation of Mr. A. W. Gwynner, auditor of passenger receipts for the company; he never paid any bills there, but supposed they were paid by the Pennsylvania Railroad Company. A question of counsel for the defence as to what his motive was for making the complaint was objected to by opposing counsel. After some further unimportant testimony the case was adjourned until this morning, at eleven o'clock.

POST OFFICE ROBBERY.

Albert Meisel, late in charge of the money order department of the Brooklyn Post Office, whose arrest for embezzlement was reported yesterday, was arraigned before United States Commissioner Wilslow, and pleaded guilty to the charge. He was held to bail in the sum of $5,000, the two sureties being required to justify in the sum of $10,000 each. Assistant District Attorney Hull, who appeared for the prosecution, said that the punishment for the offence is not less than one year nor more than ten years imprisonment. The robbery was discovered on last Thursday, when a citizen called on Postmaster Talbot and showed him a receipt for $50 which he had sent in June last to a friend in Germany, but the money had failed to reach its destination. An examination of the books of Meisel elected the fact that there was no entry made of the money. Meisel went on his vacation July 29, and his absence beyond the time allotted for his return increased the anxiety of the Postmaster in the case. Closer examination showed that five German and two British money orders had been drawn by parties and the money had been kept by the prisoner. On last Friday Meisel was seen by the Postmaster on Myrtle avenue, but, though followed, he managed to get away. On Sunday he was surrendered to Mr. Talbot by his father. His bondsman, Mr. Philip F. Lenhart, of No. 32 Walton street, gave a check to the Postmaster for the amount taken, which does not exceed in the aggregate $200. The prisoner, who had been two years in the money order office, expressed great penitence and begged to be forgiven, saying it was his intention to return the money, which he took in small sums, but it accumulated so rapidly that he found himself unable to conceal the crime, and dreaded the exposure which has now overtaken him. He is twenty-four years of age and has a wife and two children.

THE GARBAGE WAR.

Judge Barnard, in the Supreme Court, yesterday, granted an extension of twenty days, on motion of Counsel for the Brooklyn Board of Police Commissioners and Superintendent Campbell, against whom action is brought by the Mayor of the city of New York to restrain them from interfering with New the York Street Cleaning Bureau in the matter of dumping garbage in the Lower Bay. The motion was based on the fact that Counsel for Police Board had been so constantly busy that he had not had time to prepare the necessary papers.

STRANGE VISIONS.

Officer Grady, of the steamboat squad, yesterday found a man wandering along West street, declaring that the air was full of angels and manifesting other symptoms of hysterical mania. The officer took him to Headquarters, where he gave the name of Thomas Beach, but from papers on his person his real name is believed to be Thomas Higgins. He was formerly an engineer in the service of the Peruvian government, and belongs in Marysville, Cal. It was also learned that he had been an inmate of the United States Asylum in Washington. He stated that he came to New York to find a friend named George Wilkes, who resided in Mineola, L. I. The unfortunate man was detained at the Central Office until his friends could be heard from.

A FORGER ARRESTED IN ERIE.

Last Thursday a detective who was watching for train wreckers on the Lake Shore Railroad, in Erie, Pa., heard two men talking in an undertone near the depot. Their conversation was so suspicious that he arrested them. Instead of being train wreckers, one of them proved to be implicated in the Hemphill forgery case, which occurred in Philadelphia some time ago. Letters were found on his person of a startling nature, and he soon confessed that he was Hemphill himself. A telegram was sent to Pinkerton, and he said, "Hold the young man." The arrest caused much distress among the prisoner's friends in Philadelphia. He is well connected, and was reared in wealth and luxury. He lost his money at stock gambling, and then forged his father's name and was obliged to flee to Canada. A reward of $1,000 was offered for his capture, and the officer will get the money.

THE HEMPSTEAD RESERVOIR JOB AGAIN.

Yesterday the Hempstead Reservoir litigation came up again in the Supreme Court, Kings county, before Judge Barnard, on an application of the Corporation Counsel of Brooklyn to add the motion for an order to show cause why a mandamus should not be issued against the Board of City Works compelling them to finish the reservoir. It had been denied by counsel for the Commissioners of City Works that there was $250,000 in the water revenue fund applicable for reservoir purposes. This was, Corporation Counsel said, absolutely false. He simply wished to introduce the simple fact that there was such an amount in said fund applicable. Judge Barnard gave the desired permission to make the addition requested. Counsel for Commissioners said he was willing that Corporation Counsel should deny what he had alleged in regard to the water revenue fund, but he said the money was not there.

A BROOKLYNITE MISSING.

The police of Brooklyn have been notified that Mr. Charles Naffey, of No. 555 Third avenue, has been missing from his home since Thursday, the 17th inst., and fears are entertained for his safety. The missing man is forty-nine years of age, five feet five inches in height; has dark complexion and black side whiskers. When last seen he wore a dark coat, light pants and black felt hat. The little finger of his left hand is gone.

A CUTTHROAT COMMITTED.

Yesterday Caste Von Goserwinkle, who cut the throat of John Topp, a Hicksville (L. I.) farmer, on July 24, was yesterday arraigned for examination by Justice Walsh, and held for the Grand Jury. Von Goserwinkle, who is forty years of age, pleaded not guilty. He was sent to jail.

LITTLE MAGGIE BAUER.

The Coroner's Inquest Commenced as to the Murder.

HUNTING FOR THE ASSASSIN.

The Chain of Circumstances Closing Around Catharine Hoffman.

Coroner Hicks yesterday commenced the inquest in the case of little Maggie Bauer, so foully murdered just a week ago at Foster's Meadow, L. I. District Attorney Downing was present, and questioned the witnesses, several of whom spoke and understood English so imperfectly as to render it necessary to have an interpreter. Some thirteen witnesses were examined, whose testimony, it will be seen, although not directly criminating the woman Kate Hoffman, tends strongly to confirm the impression of her guilt.

Mrs. Bauer, the mother of the murdered girl, was the first witness called. Her daughter's name was Eva Margaretta Bauer, and she was eight years and nine months old; on the morning of the murder Catharine Hoffman came to the house about ten o'clock and sent word by Mrs. Urilla that she wanted to see her son on the road, but the boy had gone to the city with Mr. Bauer; witness afterward saw Catharine on the road and her husband with her; Catharine said she had come to see her husband and boy and was going to Rockaway; witness asked her to come to the house and she did so; Maggie and the two other children were playing behind the house; Catharine's husband came in for some change, which he gave to her; Maggie soon afterward came in and said Catharine wanted her to show the way to Valley Stream; this was about one o'clock; thought Catharine knew the way as well as Maggie, but allowed Maggie to go, as she said she was not afraid; Catharine had on a "redingote" overskirt; Maggie was barefoot and had on a striped calico dress and bonnet; when she saw the body the next morning the clothes appeared to be "mussed," but could not tell whether they were torn; a belt ribbon was tied around the neck; a year or two previously she and Catharine had some words of an unpleasant character together; Catharine had been there subsequently, but witness had not seen her; Catharine and her husband had no quarrel that witness knew of; they had made five or six efforts to keep house, but had not succeeded; witness thought that Catharine knew the way through the woods as well as her daughter; Maggie was tall of her age, but very slim; witness was on good terms with her neighbors, so far as she knew; two brothers named Rhodes lived near by, one of whom had been in State Prison. Witness described the direction of the roads, and said that Catharine and Maggie must have gone past the Rhodes' house; the body must have been carried to the spot where it was found. Witness described the measures taken to discover Maggie after she was missed, her account being corroborative of the published accounts. Mr. Hummel's family and the Bauers were intimate, and Maggie would not have been afraid of him had she seen him, as related by Catharine. Witness knew very little about the man Collins who had been arrested. Witness described the appearance of the body and the nature of the injuries. The right arm looked as though it had been violently grasped, and it seemed dislocated at the shoulder; Kate Hoffman came to the house the next morning and made a great lament over the body; pulled one of the stockings off and kissed the foot, saying, "My God, my God! It is me that caused your death!" and making other outcries, so that at last the officers were requested to ask her to desist, as it caused witness and her husband to feel badly. Witness said that on the same day, when she found that Kate had not been to Rockaway, she told her (Kate) that she had bed to her. Witness was considerably affected during the delivery of her evidence.

Leonard Hoffman, Kate's husband, testified that he was married to Kate at Jamaica in 1862; her name was Catharine Francis; they did not live happily together, though they had made several efforts to do so; he had said that if she would do better he would live with her again; this was in May last, and they proposed to go to housekeeping; he gave his wife some money, and she and another Irish woman got drunk, so he refused to go to housekeeping with her, or to live with her; witness saw no more of her until Monday last, when they had a brief conversation; she said she wanted to go to Far Rockaway, and asked for money, which he gave her; she asked him to show her the way, but he said he could not, and suggested that Maggie could go; Kate was a drunkard, and he could not live with her on that account; she also had a bad temper, and once threatened him with an axe; witness said there was "no truth in her," and "When she's good she's very good, and when she's bad she's very bad;" on Wednesday his wife called him into the room where the body was; said Maggie had been killed, and began to cry; on the night Maggie was missed witness was out until midnight hunting for her; he was sure his wife knew the way through the woods; she left the Bauers' house a little before one o'clock, and she and Maggie walked slowly; she sometimes treated her own children very roughly, swinging them around by the hair; she was of a spiteful nature, and was arrested once for using bad language.

Charles Hummel, who saw Kate pass the well where he was on Monday afternoon, testified that he was intimate with the Bauer family; he saw Kate, but not Maggie, near two o'clock; Kate was up by the well when he first saw her; he did not know in what direction she came, and it was not true, as Kate said, that he saw her and Maggie together; Kate asked the nearest way to the Valley Stream depot; she did not ask for a drink; she looked red in the face, warm and sweaty; she must have come from the Bauers' way; it would not take more than ten minutes to walk to Bauer's house.

Angeline Van Wickien, another resident at the Poorhouse, testified that she had known Kate Hoffman four or five years; she saw her on Monday evening about seven o'clock; she left on the Thursday previous; at times Kate exhibited bad temper, and witness thought that in her fits of bad temper "she would as soon kill anybody as look at them;" at one time she threw a meat chopper at witness, and it stuck in the door; she had a number of times undertaken to clear the house; on the Monday evening Kate said Willie had given her $3; she went to Bauer's, but did not see her husband or son, as they were down in the meadows; Maggie Bauer came through the woods with her, and she gave her ten cents and kissed her goodby at Hummel's barn; witness had heard Kate talk of the Bauers, and she "wished the curse of God might fall on them and they might never have a day's luck in the world;" had heard her use similar language repeatedly; she was very violent at times; when she returned to the Poorhouse on the Monday evening she complained of being tired and footsore and carried her shoes in her hand.

Sarah J. Archer, another inmate of the Poorhouse, testified that Kate, on Monday night, appeared strange—more quiet than usual, and taking snuff very frequently; she said she had got some money from her son, Willie; Kate came home barefooted, carrying her shoes; when witness went into the room where Kate was the latter rushed out suddenly, but returned soon afterward.

Lizzie Nolan, who was an inmate of the Poorhouse a week ago, testified that she knew Kate Hoffman and had heard her give Mrs. Bauer her curse and God's curse on her and her whole family; had heard it repeatedly; the reason given was that her husband worked there at $10 a month, and it was too cheap; Kate had frequent fits of violent temper and had once struck witness three times; had seen her strike other people.

Waite E. Rider, Overseer of the Poor of the town of Hempstead, testified as to his knowledge of Kate Hoffman. "He understood that her temper was very violent; at one time he was forced to send her to the County Jail; she is violent, both drunk and sober, and very much disturbed the peace of the house.

Mrs. Margretta Cash said that her little son was out minding the cows that afternoon, but her daughter was at home. The witness related that, in the evening after five o'clock, looking after her cow, she saw something peculiar in the cornfield, where the murder is supposed to have been committed—something white, which suddenly disappeared. [The same appearance is understood to have been observed by Mrs. Hummel.]

The inquest was here adjourned until eight o'clock this morning—the jurors being cautioned to hold no communication with any one meantime in relation to the case.

Some of the testimony to be introduced to-morrow, it is expected, will prove interesting and important. A Mrs. Tice, it is understood, who saw Kate Hoffman when she arrived at Valley Stream on her return from Foster's Meadow, says that she acted in a peculiar manner, frequently looking behind her as though fearful of being pursued, and there will be further testimony as to the declaration made by Kate herself. A close examination of the clothing worn by her on the day of the murder has resulted in the discovery of two kinds of hair—one doubtless her own, but the other resembling that of little Maggie, light and curly. They will be placed under a microscope for examination.

The theory of rape is still entertained by some persons, among them Coroner Hicks, who thinks that the position of the body when found and the condition of the earth at the feet warrants it.

REALLY GOOD TEMPLARS.

At the last session of the Good Templars of New York county the following resolution was unanimously adopted:—

Whereas we, Good Templars and citizens of the city and county of New York, in county lodge assembled, knowing that the drinking fountain situated at the junction of Sixth avenue, Broadway and 3d street has been useless during all the spring and summer months by neglect of the Commissioners of Public Parks to put the same in order, thereby depriving thousands daily of its use and rendering the investment of no common good to our city; therefore be it

Resolved, That the Board of Aldermen be asked to pass an ordinance requesting the Commissioners of Parks to put the same in order without delay.

ACCIDENT TO THE STEAMER ARROWSMITH.

A FIERCE WIND AND HEAVY SEA CAUSES THE BREAKING OF HER SHAFT—SIX HUNDRED PASSENGERS ADRIFT IN THE SOUND.

NORWALK, Conn., August 21, 1876.

On Saturday last, at a quarter to three P. M., the steamer Arrowsmith, Captain Anderson, left pier 37 East River, New York, for this place. She had on board about 600 passengers. After passing Fort Schuyler and entering the Sound the steamer encountered ugly chop seas, caused by a fierce wind blowing from the eastward down the Sound and a strong head tide. The steamer, when within five miles of the harbor of Greenwich, met with an accident; the starboard section of her shaft broke in two at a point about four feet from the paddle wheel, tearing the woodwork fearfully and sending splinters flying in every direction. The steamer C. H. Northam, for New Haven, was in sight under the Long Island shore. The Arrowsmith's steam whistle was sounded long and loud in the hope of attracting her attention, but, being eight miles away and a heavy wind blowing, the signals of distress were not heard. Helplessly drifting with the trough of the sea the Arrowsmith rolled like a drifting log of wood, to the discomfort of passengers, many of whom were ladies. The steamer Laura, from New York for Bridgeport, heard the signals sounded and, taking in the situation, hastened to the scene of distress. A line was made fast to the disabled steamer, and the Laura, turning several miles out of the regular daily course, towed the steamer into smooth water. The propeller towboat Alert, from Stamford, was at hand, and relieving the Laura, conveyed the Arrowsmith to the wharf at Greenwich, where the passengers took trains by the New Haven Railroad for their destinations. They were delayed on the steamer about three hours, despite the efforts of Captain Anderson and his men, who did all in their power to hasten their reaching land.

COLLISION ON THE EAST RIVER.

Yesterday, about three P. M., the steamer C. H. Northam, of the New York and New Haven line, was on her way up the East River, when she came in collision, at a point off the Fulton ferry, Brooklyn, with the schooner B. F. Arnock. The latter vessel, which is from Forked River, New Jersey, was on the starboard tack, bound down the river, when the steamer struck her broadside, making a hole in the schooner and causing her to capsize. Three men who were on the Arnock were picked up out of the water by rowboats, and the vessel, which had no cargo, was towed in and moored to Harbeck's docks. The steamer was uninjured.

THE SCHOOLSHIP ST. MARYS.

The nautical schoolship St. Marys, Commander Phythian, United States Navy, commanding, arrived yesterday morning at Glen Cove, at three o'clock, after a fine passage from the Azores. The St. Marys, it will be remembered, has over 150 boys on board, who, under the auspices of the Board of Education, are learning the profession of the sea and qualifying themselves for acceptable positions in the merchant marine. During the winter months the vessel lay at the foot of Twenty-third street, East River, and the students were instructed in the various branches of seamanship, besides receiving a general education. The result of the experiment proved very satisfactory, for, at an inspection held under the auspices of the Chamber of Commerce, the boys acquitted themselves with credit. It was the intention of the Board to send the ship through the Sound for a practice cruise, but inasmuch as very little opportunity is presented in the summer calms for anything like hard work it was deemed prudent to order her to the Azores. So the boys have had an excellent trip of it, had plenty of practice and not a little experience. The St. Marys left New London on the 6th of July last, and reached Fayal on the 23d of that month, remaining there five days. It is gratifying to add that throughout the entire passage neither accident nor sickness of any kind marred the harmony that throughout prevailed. All enjoyed the best of health, and the young tars had a royal time of it. The St. Marys, as already mentioned, came to anchor at Glen Cove yesterday morning before dawn, and will probably proceed to her former anchorage off the Battery.

THE BROOKLYN BRIDGE.

The work on the Brooklyn Bridge progresses slowly but surely. All day yesterday Engineers Collingwood and Martin were at the New York anchorage superintending the construction of the tackling or sliding frames, which were completed yesterday. It is in these frames the wire ropes are placed so that they can be tightened till the necessary tension is secured. The ends of the wire will be spliced on the New York anchorage to-day, and an endless rope thus secured. On Thursday the machinery will be placed in operation to test its efficiency, and on Friday or Saturday two more travelling ropes will be put up. No other work of any importance is likely to be done this week, as the materials are not ready. It is expected that it will be fully six weeks before the temporary wooden bridge will be thrown across. At present there are but eighty men employed on the work, and even a good many of these are about to be discharged.

Acting Mayor Lewis yesterday signed a warrant in favor of the Brooklyn Bridge Company for $100,000.

FERNANDO WOOD'S PARK.

At various times resolutions have been introduced by ex-Alderman Cooper and others to cut through West Seventy-seventh street to the bluff on the North River. This would necessitate the destruction of Mr. Wood's homestead, around which centres so much taste and refinement, as well as his park. Mr. Wood owns all the property from Seventy-sixth to Seventy-eighth street to the Hudson River Railroad, and there is no advantage to be gained by the proposed spoliation, as there is not even a pier on the North River that could be benefited by such work. At the last meeting of the Aldermen Mr. Cudlipp renewed this proposition, and it was sent to the appropriate committee for a report.

JERSEY RAILROAD TROUBLES.

The New Jersey and New York Railway Company trouble continues. The engineers and employés positively refuse to resume work until their wages are paid. They have not been paid for eight months, except in notes, and these notes have gone to protest. The couplings and other connections between the cars have been taken away by the employés, so that the trains cannot run. Deputations of the workingmen have been frequently sent to the directors to present their case, but to no purpose. The road has been in a thriving condition during the past six months, but the men have not reaped the benefit of it