THE COURTS.

Multifarious Miseries of Matrimonial Mesalliances.

INTERESTING CHAPTER OF DIVORCE SUITS.

Grand Habeas Corpus Field Day.

BLEECKER STREET RAILROAD LITIGATIONS.

In the rapidly increasing list of divorce suits that occupy so largely the attention of the courts is a suit just brought by Catherine F. Leboniveau against her husband, Webster Leboniveau, who keeps a hardware store at No. 793 Third avenue, for limited divorce on the ground of cruel treatment. Through her counsel, Mr. William F. Howe, she applied yesterday to Judge Van Brunt, holding Special Term of the Court of Common Pleas, for alimony and counsel fee pending suit. In her affidavit the plaintiff states they were married in 1864, and have three children. On the 24th of April last, without any just cause, she says, her husband whipped her with an instrument called a cat-o'-nine-tails; that on subsequent occasions he knocked her down with his fist and stamped on her, and on another occasion seized her and attempted to throw her out of a window. The answer denies the story of the cat-o'-nine-tails, and sets forth that the plaintiff is addicted to drink and of a violent temper; that she has flung knives, cups and other table fixings at him, and called him foul names; that, returning to his store on one occasion, he found her intoxicated; that she fell when he ordered her out for abusing him; after which she rose up furious and flung a stove pipe and gas stove at him, and, finally, that on returning from the Centennial, he found that she had deserted him and taken away the children. Having heard quite a lengthy argument Judge Van Brunt took the papers, reserving his decision.

In the cross suits for divorce pending in the Supreme Court in this city between Arthur and Hattie E. Terry, the facts in which have already appeared very fully in the HERALD, Judge Donohue yesterday denied two motions made on behalf of the husband, the one to strike out part of the wife's answer alleging cruelty on his part, and the other to stay the suit brought by the wife until the termination of the one brought by the husband. Judge Donohue in his memorandum decision says that both suits can be tried together, and that the Court desires a speedy termination to this scandal.

Helen V. Phillips has brought a suit for limited divorce against her husband, Richard Phillips, janitor of the Seamen's Savings Bank. The complaint charges him with cruel and inhuman treatment. A hearing was to have been had yesterday before Nathaniel Jarvis, Jr., referee. Colonel George H. Hart, counsel for the plaintiff, and William McBride, defendant's counsel, were in attendance with their respective witnesses; but, owing to the death of a relative of Mr. Jarvis, the case was postponed.

In the suit brought by Nathan P. Rice against Anna B. Rice Judge Donohue yesterday confirmed the report of the referee, granting $8 a week alimony to the wife and $175 counsel fee.

INVOKING THE HABEAS CORPUS.

There was another rush of habeas corpus cases yesterday before Judge Donohue, in Supreme Court, Chambers. Leading the list was the case of a young man whose real name is said to be Jonas W. McKearn, but who is known under various aliases, including that of "Lover Joe." The story is that the prisoner recently went on an excursion on the steamer Plymouth Rock to Rockaway, and during the trip stole the watch of Jane Hereeles, on which charge he was arrested and committed by Judge Murray and held in $1,000 bail. This bail was thought by the District Attorney to be rather moderate for a person of such well known peculating proclivities and supporting such a number of aliases, and, therefore, his release on such moderate bail was refused. The prisoner's counsel, Mr. William F. Howe, took out the writ of habeas corpus to compel the acceptance of the bail. After a brief discussion the case was adjourned for further argument. Next in the list was the case of John Carton, committed to the City Prison upon a charge of highway robbery, he having, as alleged, knocked down Thomas Christie and robbed him of $30. His counsel, Mr. William F. Rutzing, sued out a writ of habeas corpus with view to a reduction of the bail, which has been fixed by Judge Wheeler at $5,000, he claiming that the bail was exorbitant. Mr. Marsac, Assistant District Attorney, opposed the application, insisting that, under the circumstances, the bail required was none too large. Judge Donohue entertained the same view, and refused to grant the application. Next on the list was the case of John Bowles, charged with stealing a watch and chain from William Vandelbronbecker as they were walking together in the Bowery. His counsel, Mr. Edmund E. Price, showed that immediately after Mr. Vandelbronbecker discovered his watch was gone he caused the latter's arrest, but the watch was not found on his person; and counsel insisted the watch was stolen by a third person. Upon this state of facts Judge Donohue ordered the prisoner discharged. Following this was the production in court of Anna Wilson, a girl fourteen years old, who was committed by Judge Smith on a charge of misdemeanor. She had charge of a younger girl, who was begging on Broadway. Mr. Howe, the counsel, claimed that the offence did not come within the statute, and the prisoner was released from custody. A writ of habeas corpus was granted, on application of Mr. Howe, in the case of Anna Nelson, who is charged with abducting two young girls and taking them to a house of ill-fame, she having been committed without bail. The writ was made returnable to-day.

THE BLEECKER STREET RAILROAD.

The Bleecker Street Railroad continues to be the basis of various litigious motions in the courts and the source of fertile revenue to a good sized retinue of lawyers. No less than two motions in connection with the matters of the road were made yesterday, before Judge Donohue, in Supreme Court, Chambers. The first motion was made by United States District Attorney Bliss, on behalf of the government, for leave to sue the road for internal revenue claimed to be due the government. It is contended in opposition that the road has never yet seen that prosperous condition when it was in the enjoyment of a net income, and consequently that no liability to the United States can have accrued on this account. The hearing on the motion was postponed till to-morrow to allow the putting in of affidavits as to the earnings of the road. The second motion had reference to the execution of the lease of the road to the Twenty-third street road. Time was also solicited to put in affidavits in regard to the matter, and the case was adjourned till Saturday to allow this to be done.

LACUSTRINE LITIGATION.

The Lacustrine Fertilizer Company of this city is the owner of a large area of ground somewhere in the western part of this State, on which is found an immense quantity of a valuable fertilizer, which they are engaged in placing in market. Some outside parties also appreciating its value have been accustomed to help themselves thereto without as much as saying "By your leave" to the owner. A few days since the officers of the company were made aware of the fact that the canal boat R. Sears was on its way to this city in charge of Captain B. F. Green, loaded with over 200 tons of the company's fertilizer, which had been shipped by some parties not entitled thereto, and consigned to some other parties in this city. Proceedings were immediately instituted by the company to obtain legal possession of its property. Yesterday morning the attorneys for the company, Messrs. Theodore M. Morgan and Adolphus D. Pape, accompanied by Deputy Sheriff Roch, armed with a writ of replevin, took a tugboat, and as the gray dawn of the morning broke bore down upon the R. Sears as she got into the county jurisdiction, and the Sheriff took possession of the property and now holds it.

SUMMARY OF LAW CASES.

The motion to vacate the order of arrest against Arnold Strauss in the suit brought against him by William Hawes and Alphonso M. Hawes, was yesterday denied by Judge Sedgwick.

Judge Sedgwick yesterday dismissed the complaint in the suits brought respectively by Mary E. White against Thomas Loughran and Michael Hay against Gustav Newburger. The grounds of dismissal were failure to prosecute the suits.

Judge Donohue yesterday denied the motion in the suit brought by the city against the Commissioners of Estimate and Assessment in the first widening of Broadway to compel a readjustment of the costs and expenses on the ground that the charges were excessive.

The inconvenience of poverty is a widespread experience. Edward Wilson desired to bring a suit against the Dry Dock, East Broadway and Battery Railroad Company, and not having the means to prosecute the action a motion was made before Judge Sedgwick for leave to bring the suit as a poor person, or, in legal phrase, in forma pauperis. Judge Sedgwick yesterday denied his motion.

In the matter of Leo Popper, who was arrested in March last, charged by his creditors with fraudulent bankruptcy upon a warrant issued by Commissioner Osborn, an order has been issued dismissing the complaint and discharging Mr. Popper, upon the ground, as urged by his counsel, Messrs. Cardozo and Newcombe, that there was no evidence to sustain the complaint.

DECISIONS.

SUPREME COURT—CHAMBERS.

By Judge Donohue.

In the matter of Matilda Nutter.—Motion granted.

Fallon vs. Tynan.—Bond approved.

By Judge Lawrence.

Banta vs. Kent.—In these cases, as a trial has been had before a referee, and a decision rendered by him, judgment must be entered on the referee's report. Had I known at the time that these cases were heard—that such a trial had been had—I should not have heard the cases.

Barnett vs. Barnett.—Findings and request to find settled.

Muller vs. the Mayor, &c.—This order does not conform to the view expressed in the decision.

Union Consolidated Mining Co., &c. vs. Rabit.—Order as settled.

By Judge Donohue.

Blohm vs. Phillips; Grennee vs. Willis; Mutual Life Insurance Company vs. Jackson; McCarthy vs. Cohn; Dodge vs. the County of Platte in the State of Missouri; Shaw & Wilcox Company vs. Naegli; Pam vs. Vilmar; Block vs. Dobbs; Bennett vs. Richmond.—Granted.

Moore vs. Schnott.—Plaintiff cannot name guardian for his opponent.

Mutual Life Insurance Company vs. Briggs; Demelt Dispensary vs. Jardine and others; Gordon vs. Kierst.—Granted.

Griffiths vs. Merchant.—Motion granted without costs.

Hughes vs. Rubino.—Granted.

Tyng vs. Fields.—Granted. Memorandum.

Scudder vs. Bonner.—Granted.

Burchell vs. Ruddenvich, Nos. 1, 2, 3 and 4.—Motions denied, without costs. Memorandum.

The Mayor vs. Cornell.—Motion denied. Memorandum.

Burchell vs. Meyer; Mutual Life Insurance Company vs. Doellner and others.—Granted.

Dobrinski vs. Broom.—Motion denied.

Heis vs. Whaley.—I desire to see counsel.

Terry vs. Terry.—Both motions denied. Memorandum.

Decley vs. De Helema.—Motion denied.

In the matter of Campbell.—Granted.

Lynch vs. Knapp.—Motion denied.

Morton vs. The Domestic Telegraph Company.—Granted.

Rice vs. Rice.—Report confirmed.

Nichols vs. Roosevelt.—See memorandum.

Townsend vs. Hadley.—Granted.

Abrahams vs. Meyer.—Motion denied. Memorandum.

Foster vs. Newbough.—Motion granted.

Underhill vs. De Wolf.—Granted.

COMMON PLEAS—SPECIAL TERM.

By Judge Van Brunt.

Walker vs. Walker.—Report of referee confirmed.

MARINE COURT—CHAMBERS.

By Judge Sheridan.

Thuman et al. vs. Mitschel.—Order for judgment granted.

Hermann vs. Moore, impleaded.—Order denying motion granted.

Levy et al. vs. Lasar.—Order vacating order to arrest judgment.

Arnoid et al. vs. Houtmans et al.—Order giving directions to receiver as to payment of moneys, &c.

Levi vs. Berringer et al.; Rapp, administrator, vs. Heppenheimer; Drling vs. Harper; Holmes, Booth & Hadens vs. The Lucius Hart Manufacturing Company, No. 1; Same vs. Same, No. 2; Allis vs. Moore; Hanley vs. Murray Hill Bank.—Orders signed.

Keys vs. Miller et al.—Order appointing J. O. Fullerton receiver.

POLICE COURT NOTES.

Napthali Enoch, employed for the last nine years as shipping clerk for M. Rosenberg & Co., No. 69 Bowery, was arrested by Detective Canning, of the Central Office, for embezzling from his employers. During the last year a large quantity of stock was missed, and yesterday morning Detective Canning succeeded in discovering Enoch sending out a package of dry goods, valued at $15, for which no order had been given. The prisoner, on being arraigned before Justice Duffy, at the Washington Place Police Court, was committed for trial in default of $1,000 bail.

Edward Morris was arraigned before Justice Morgan by Officer Mahan, of the Tenth precinct, at the Essex Market Police Court yesterday, charged with stealing $25 worth of property from the residence of John M. Connell, at No. 76 Canal street. Judge Morgan held him for trial in default of $1,000 bail.

COURT CALENDAR—THIS DAY.

SUPREME COURT—CHAMBERS—Held by Judge Donohue.—Nos. 6, 37, 49, 52, 57, 66, 103, 104, 106, 110, 118, 123, 131, 133, 145, 147, 149, 152, 155, 170, 171, 178, 182, 185, 186, 187, 188.

RAILROAD TAXES.

ST. LOUIS, August 22, 1876.

United States Attorney Bliss yesterday filed a suit in the United States Circuit Court against the Missouri Pacific Railroad mortgage trustees and receivers for taxes from 1864 to 1872, under the old income law. The tax, with interests and penalties, amounts to $200,000. The United States claims a lien upon the road for this amount prior to all mortgages upon it, and especially the mortgage under which the road is to be sold on the 6th of September next. Judge Dillon has granted an order, at the instance of United States Attorney Bliss, to retain enough of the proceeds of the sale of the road to meet the claim of the United States should it be established.

UNITED STATES SUPREME COURT.

DECISIONS.

JURISDICTION IN BANKRUPTCY—IT WILL BE SUSTAINED WHERE PROCEEDING BY RULE AS AGAINST THE PLAINTIFF IN THE EXECUTION ON ORDERS OBTAINED BY HIMSELF.

208. James O'Brien, plaintiff in error, vs. George M. Weld, Henry W. Nagle and Edwin Sherwin—In error to the Supreme Court of the State of New York.—This is an action brought to recover $4,404 72 collected by the plaintiff in error as Sheriff of the city and county of New York under three executions, two of which were issued on judgments entered in favor of defendants against Frederick Wiltse and Albert Wiltse, jointly and severally, one of which was issued on a judgment entered in favor of the defendants against Frederick Wiltse alone.

The defence relied upon is that the plaintiff in error, under certain orders made by the United States District Court for the Southern district of New York, in a proceeding in bankruptcy against Frederick Wiltse, paid over to the Clerk of that Court the moneys arising from the sale of the property levied on by him under said execution.

It is held that the plaintiff in the execution himself having taken that proceeding in the Bankrupt Court, and there obtained the rule complained of, he is bound by it. In pursuance of the order so obtained the Sheriff made the sale and deposited the money in the Bankrupt Court. To hold that under these circumstances the plaintiff in the execution may maintain a suit against the Sheriff for paying the money into court instead of to them, it is said, would be contrary to all authority and in violation of the principles of right and justice.

Reversed. Mr. Justice Hunt delivered the opinion.

REDEMPTION OF TREASURY NOTES—EFFECT OF A SURRENDER—PROTEST FOR INSUFFICIENCY OF PAYMENT IN SUCH A CASE—VOLUNTARY ACCEPTANCE.

No. 196. Sarah Chauncey Savage, Executrix of William Savage, deceased, appellant, vs. The United States—Appeal from the Court of Claims.—Power was conferred upon the Secretary of the Treasury by the act of the 17th of January, 1861, to borrow $250,000,000, for which he was authorized to issue bonds or treasury notes, to be of any denomination fixed by the Secretary, not less than $50, and to be payable three years after date, with interest at the rate of seven and three tenths per cent per annum, payable semi-annually. Section 3 provides that the Secretary shall cause books to be open, for subscription to the Treasury notes for $50 and upward, at such places as he may designate, and under such rules and regulations as he may prescribe, to be superintended by the assistant treasurers, at their respective localities, and at other places by such depositaries, postmasters and other persons as he may designate, giving notice thereof as therein directed. (12 Stat. at Large, 259.) Pursuant to the authority conferred the Secretary appointed Jay Cooke one of the special agents to open a book for subscriptions to the Treasury notes, and it appears that the Secretary addressed to him, as such special agent, a circular letter of instructions, in which, among other things, he stated that "all payments must be made in the lawful coin of the United States, and that whenever the amount subscribed shall not be paid within the period prescribed, the first payment shall be forfeited to the United States." Sufficient appears in the finding of the Court to show that the special agent opened a book for subscriptions, and that he published an advertisement, describing what the denominations of the notes would be and giving the date when they would be issued, and that he stated that the notes would be payable in gold in three years or be converted into a twenty-year six per cent loan at the option of the holder. That each note would have interest coupons attached, which could be cut off and collected in gold at the mint every six months and at the rate of interest therein prescribed." Subsequent to the publication of that advertisement, the testator of the plaintiff, then in full life, became the purchaser of Treasury notes to the amount of $15,000.

Throughout, the testator of the plaintiff insisted that it was his right to have the notes paid in gold, and on the 3d of March, 1866, he caused the notes to be transmitted here to certain bankers with directions to present the same to the Treasury and ask for the payment of the same, with interest, in gold, and with instructions that if the payment in gold was refused to accept the currency under protest. Payment in gold was subsequently refused, and the agents accepted the principal and interest after maturity in legal tender notes, under protest, as directed by their employer. Gold at the time the notes were presented was worth in the market a premium of thirty-two cents on the dollar over the legal tender notes accepted in payment by the agents acting for the testator of the plaintiff. He demanded payment in gold, but his agents accepted the currency under protest by his direction, the payment in gold having been refused. Based on these facts the executrix of the decedant instituted the present suit in the Court of Claims to recover the difference in the market value of gold and legal tender notes at the date of the payment made by the United States to the testator of the plaintiff. Judgment was rendered for the defendants in the Court below and the plaintiff appealed to this Court.

The unconditional acceptance of a different medium of payment from that promised by the United States, or absolute acceptance of a smaller sum from the Secretary of the Treasury, does not leave the United States open to a further claim on the ground of duress, the acceptance being voluntary and without intimidation.

Affirmed. Mr. Justice Clifford delivered the opinion.

TRAIN WRECKERS AT WORK.

NARROW ESCAPE FROM A TERRIBLE DISASTER—PARTICULARS OF THE ATTEMPT TO DESTROY THE ST. LOUIS EXPRESS—TWO MEN ARRESTED ON SUSPICION.

[From the Rochester Democrat, August 21.]

A drover by the name of George Adams, residing at Cayuga, had business in Fairport last Saturday, and just at night he started for the depot, intending to take the train for Rochester. Provokingly, as he then thought—providentially, as it afterward proved—he was a few minutes behindhand, and having urgent reasons for reaching the city, he started out to walk the distance. He passed rapidly along for about four miles without interruption, but as he neared Lincoln Creek he saw a light in the bridge ahead of him, and as he drew nearer he distinguished the forms of five men busily intent upon some work upon the track. He proceeded cautiously forward, and a closer view confirmed his terrible suspicion. The

MEN WERE TEARING UP THE RAILS!

It was then about eleven o'clock, and he knew that in a few minutes the St. Louis express was due from the East—indeed, if it were on time it would leave Rochester at eight minutes past eleven, with a heavy load of passengers. A glance was sufficient to show him that single-handed he could do nothing, but the twinkling of a light in a farmer's house, a short distance away, promised assistance, and rapidly and stealthily he stole by the miscreants toward the bright beacon, the beating of his heart quickened by overhearing one of them say, "This will be a bigger job than the one of the 15th." He had nearly passed them, without attracting attention, and was just congratulating himself upon his success, when his foot struck against some obstacle and he stumbled heavily forward. The noise reached the ears of the men on the track, and at once divining its cause they started forward, shouting, "Catch the meddling fool and drown him in the creek." Adams at once started on a keen run for the house, his pursuers following hotly after, never relinquishing the chase until the fugitive was within ten rods of the house, when they were frightened away by a huge dog, which intelligently allowed the fugitive to pass, but fiercely assailed the pursuers. They then turned and fled into the darkness, and the farmer, aroused by the cries, was soon made acquainted with the facts by the breathless Adams. He at once disappeared in the house and returned with a red lantern which had been fortunately dropped by a train some time before. This was at once lighted, and Adams, taking it in his hand,

STARTED UP THE TRACK ON A RUN,

fearing every moment that he would be too late to prevent the threatened disaster. Meanwhile the St. Louis express, which should leave here at eight minutes past eleven in the evening, had been detained, so that it left the depot twenty-five minutes behind time, Conductor Norris Eaton in charge, and William Creedman, the engineer, at his post on the impatient locomotive. The train was made up of a baggage and express car, three passenger coaches and seven sleepers, nearly every seat and berth occupied by passengers, little dreaming of danger, and feeling perfectly secure in the well-known management of the road. The engineer had just got his train well under way, crowding his engine a little to make up for the lost time, when down the glistening track his practised eye discerned a swinging light, and in a moment more he saw that it was red, the well-known signal of danger. His hand was on the reversing lever in a moment, the whistle blown, and with every brake tightly set, the long train gradually came to a standstill, the passengers and employés pouring out the sides to learn the difficulty. The engineer pointed out the red light which was rapidly approaching, and in a moment more Adams appeared upon the scene, surrounded by a crowd of eager questioners. His story was told in a few words, and the party started down the track to learn the extent of the damage done. At the culvert over Lincoln's Creek Adams pointed out the place where he had seen the men at work, and there, by the light of the lantern, on an embankment seventy-five feet high, over twenty feet of water on a treacherous bed of quicksilver, they found the rail so cunningly displaced that unless miraculously saved the entire train must have dashed down the heights

TO INEVITABLE DESTRUCTION.

As the full consciousness of their great danger and escape forced itself into the minds of the group, with one accord they pressed around Adams and for a few moments his hand was shaken and wrung until it was almost incapable of motion. It was, indeed, a narrow escape from one of the most horrible railroad disasters ever chronicled, and the gratitude of the people to the man who had saved them found expression in every conceivable way. Some one suggested that a purse of money be raised, but this he denied at the outset, as he did everything but the thanks which were pressed upon him. Had the train been on time or had Adams been overtaken by the would-be murderers the result would have been too frightful to contemplate, but as it was the hand of Providence seemed to be unmistakably interposed and by a chain of accidents the crowning one of all was prevented. The displaced rail was returned to its position as quickly as possible and the train went on its way, the grateful passengers crowding around Adams to the very last.

From the remark Adams overheard,

"THIS WILL BE A BIGGER JOB THAN THE ONE OF THE 15TH,"

it is reasonable to suppose that they were the same miscreants who threw a train off the Lake Shore road on that date. It will be remembered that only one man was killed on that occasion, though the escape of the others seemed miraculous. If there is a gang of such God-forsaken scoundrels, who would wantonly sacrifice the lives of hundreds of men, women and children, indiscriminately, merely that they might have an opportunity for plunder during the confusion; if there is such an inhuman organization, then we can only hope and pray that they may be discovered and punished before they have another chance to carry out their barbarous plans. With such a gang in existence no traveler can feel safe, and any precautionary measures that may be taken, avail but little. Two men, William Jones and James Madden, were arrested Sunday morning by Officer John Stott on suspicion of being the guilty parties and lodged in the police station. They were found on the track near the place of the attempted outrage, but beyond this and the fact that they are both hard characters there seems nothing tending to show that they were implicated. Further examination, however, may throw a different light upon the matter. Meanwhile the most active search will be made for the conscienceless perpetrators of the deed, and we hope before many days to have the pleasure of chronicling their capture and speedily their conviction.

ANOTHER ACCOUNT OF THE SAME OCCURRENCE.

[From the Rochester Union, August 21.]

Now comes one of the most singular parts of the story, and that is the history related by the man who alarmed Mr. Wright, whose name has since been ascertained to be George Adams. After the train had passed on all right the two walked back, and on the way the man stated that he was a drover by trade, and Saturday was in Fairport. Toward evening he was anxious to get to Rochester, as he was going on to Texas to make arrangements to buy cattle. Arriving at the Fairport depot he had the satisfaction of seeing the train just pulling out, and being determined to catch the express train West, he started to walk. At the time he had, as he claimed, a valise with him, containing a suit of clothes and a pass to Texas. Arriving at the spot where the rail was moved he avers that he heard some men talking, and one of them said:—"This will make a better job than on the 15th." Suspecting something was wrong he thought the safest plan would be to make a detour and then give the alarm. He accordingly started to walk down the embankment, but stubbing his toe against a rail, he was heard by the workers, who made after him, calling on each other to pitch the d—d rascal into the creek. Dropping his valise, the stranger started off like a deer, and, distancing his pursuers, arrived, as stated, at Mr. Wright's house. This was the man's story, and after he had disburdened himself of it he bade Mr. Wright good night and again started to walk to Rochester, and as far as heard from, arrived here on an engine at half-past two o'clock Sunday morning. The next train did not leave till 4:40 A. M., and before that time the authorities heard of the occurrence, and a watch was kept for the individual, but no signs have yet been seen of him. There are several suspicious circumstances about this man that incline the police to the belief that he had a hand in the work, and afterward, becoming scared, blew on the whole business. In the first place he never made any attempt to recover his lost valise, and he told the engineer on whose engine he rode into Rochester that he intended to have Mr. Burrows make his pass good, but Mr. Burrows has not yet seen him; and he also told this same engineer that he had been on a visit to his friend Wright, up the line. Mr. Wright declares he had never seen him before; and another circumstance struck him as singular. At his house they have a large watchdog that at night will never allow any one to enter the premises, but when this man came he acted as if he knew him. These and various other little circumstances put together inclined the police to the belief that it would be a wise course to look the man up, and a sharp watch is being kept for him.

The above account differs materially from the report in the *Democrat* this morning, which is given as related to our reporter by Mr. Wright, a few hours after the affair took place. There is something singular about this whole business that will be unravelled in a short time and the guilty parties brought to light. The police have a theory about it which is no doubt the right one; but just at present it would be imprudent to mention what it is. The two men, William Jones and James Madden, who were arrested on suspicion of being concerned in the matter, have not yet had an examination, but it is not supposed they are the parties.

In another column is published an account of the capture of two men suspected of being concerned in the rail ripping at North East. One of the young men confessed being in company with "George Adams," who went on to Syracuse. This may be the "drover" whom our police are anxious to find for his share in the Saturday night's work.

FOUND DROWNED.

Early yesterday morning Officer Weiss, of the Seventh precinct, found a drowned man in the Catharine ferry slip. He was about fifty-five years old, five feet seven inches high, had sandy hair mixed with gray, wore black coat and vest, drab pants, white shirt and boots. The body had not been in the water long. It was sent to the Morgue and Coroner Croker notified.

RESCUED AT SEA.

THREE STARVING MEN TAKEN FROM A SPANISH SCHOONER.

The steamer Frisia, of the Hamburg line, arrived in this port yesterday with three men who were taken from a Spanish schooner in a state of almost absolute starvation. On the 21st of June the schooner Joaquina, of Barcelona, left San Domingo, bound for Havre, with a cargo of dye wood. There were a captain, first mate, six men in the crew and one passenger, a French gardener, named Augustine Gautier, from Marne, France. When the schooner Joaquina, which left St. Domingo on the 28th of June, was about eight days out, the mate, Leonardo Ferro, took ill suddenly and died within an hour. Four of the crew were also taken sick shortly afterward and died within twenty-four hours. The bodies were thrown overboard, and the management of the schooner was left to the captain, one sailor, Vincento Cortes and the passenger, Augustine Gautier. These three men sailed the schooner for weeks, and became perfectly exhausted from fatigue and want of provisions. When about forty-five days out from St. Domingo they signalled the steamer Frisia in latitude 48, longitude 31.46. The steamer noticed the signals, backed her engines, and a boat was put out to the schooner Joaquina. Mr. Franzen, first officer of the Frisia, boarded the schooner and found three emaciated-looking men, who looked up to him as he came aboard their vessel and hailed him as their saviour. They had been for days without food and they were merely hanging on the wings of Hope of ever seeing land again, when the Frisia hove in sight.

As well as they could they explained their situation, and Mr. Franzen's inspection of the ship satisfied him of their absolute distress. There was nothing in the galley but some sixty gallons of water and a small quantity of beans entirely unfit for use. The three men, the captain, sailor and passenger were taken on board the Frisia and placed under the doctor's care. The schooner itself was abandoned, as the sea was so high that the officers of the Frisia did not think it advisable to provision her and put a prize crew on board.

The HERALD reporter saw Augustine Gautier and the sailor Vincenzo Cortes yesterday, and neither of them could say of what malady the mate and the rest of the crew died. They were positive it was not fever; but from their description of the manner in which the deceased were attacked it could only be ascribed to cholera morbus, probably superinduced by bad food. As the cook of the vessel was one of the victims they scouted the idea of poisoning. However, it is a peculiar case and will bear investigation, as the officer of the Frisia says that the schooner when left was in a perfectly seaworthy condition. The schooner Joaquina was built at Muro, in Spain, in 1869, by M. Vaamoqudi, and is owned by J. Ferreivo, of Villa Garcia. Her dimensions are:—Length, 91 feet; breadth, 23 feet, and depth of hold, 10 feet.

THE CROTON WATER.

In the course of conversation yesterday with a HERALD representative Chief Engineer Campbell stated that on the day previous he had personally examined the water at High Bridge and found it as pure as it ever was, and discredited all the reports to the contrary. It came directly from the sources of supply, and had there been anything deleterious in it he would have promptly detected it. In reference to the suggestion recently made to construct sewers in the vicinity of the storage lakes where there are houses, he explained that the result would tend seriously to affect the water, as in all probability the refuse matter would eventually taint the streams. The present arrangements, he said, were the very best that could be made, and rapid changes could not be undertaken without greatly interfering with the character of the works. He considered there was no ground whatever for the assertion that the water in the various lakes was somewhat tainted, as a careful lookout was always maintained. Mr. Campbell further added that the present supply was ample, though rain and a cooler atmosphere were very much to be desired. There had been no rain in the country for a long time and the streams were scarcely running. Yet the quantity in the storage lakes was sufficiently large for all purposes.

THE BOARD OF HEALTH.

At the weekly meeting of the Health Board yesterday the Sanitary Superintendent reported the seizure of 559 barrels, 114 baskets and 47 crates of unripe fruit offered for sale.

The following is an abstract of the weekly report of Dr. Nagle, Deputy Register of Records:—

During the week ending Saturday, August 19, there were 612 deaths reported in this city, being a decrease of 78 as compared with the preceding week and 62 less than were reported for the corresponding week of 1875. The actual mortality for the week ending August 12 was 686, which represents an annual death rate of 33.54 per 1,000 persons living, the population being estimated at 1,063,330.

The following is a comparative statement of cases of contagious disease reported at this bureau for the two weeks ending August 19, 1876:—

	Week Ending Aug. 12.	Week Ending Aug. 19.
Typhoid fever	14	17
Scarlet fever	16	14
Cerebro-spinal meningitis	3	2
Measles	2	2
Diphtheria	32	29
Smallpox	1	3

REAL ESTATE.

At the Exchange salesroom yesterday James M. Miller sold, by order of the Supreme Court, in foreclosure, four lots, 100 by 100.5, with building, on south side of Sixty-ninth street, 225 feet east of Eleventh avenue, to plaintiff (Equitable Insurance Company), for $6,000.

Richard V. Harnett sold, by order of the Court, in foreclosure, D. S. Thompson, referee, a house and lot on the north side of Eighty-sixth street, 203 feet west of avenue A, 18 by 100.8½, to Robert Centre, plaintiff, for $12,000; also, by same order, a house and lot on the south side of Eighty-seventh street, 190 feet west of avenue A, 20 by 100.8½, to plaintiff, for $12,200; and also a house and lot on the east side of avenue A, 16.8 feet south of Eighty-seventh street, 16.1 by 81, to James Armstrong, for $10,225.

James L. Wells, by order of the Court, in foreclosure J. S. Sinclaire, referee, sold a house and plot on the south side of Lind avenue, 429.1 feet east of Devoe street (23d ward); 64.1x200.82x62.6x215 feet, to plaintiff, for $5,000.

Benjamin P. Fairchild sold by order of the Court, in foreclosure, Robert Lyon, Jr., referee, a house on the south side of Fifty-eighth street, 116.8 feet west of Ninth avenue, with lot 16.8x100.5, to William Winslow, for $8,960.

A. J. Bleecker & Son, by order of the Court, in foreclosure, John H. Miller, referee, sold a plot of ground in West Farms, near Williamsbridge station, on the New York and Harlem Railroad, east side, 53x83x53x115, to Ellen Pettit Maujer, for $1,825.

The same auctioneer also sold by order of the Court, in foreclosure, John H. Henshaw, referee, two lots on the north side of 129th street, 100 feet east of Eighth avenue, each 25x99.1 to plaintiff, for $3,400.

TRANSFERS.

Canal st., n. s., 62.4 ft. e. of South 5th av., 19x86; John Aitken (executor) to B. B. Johnston	$12,000
2d av., s. e. corner 93d st., 25x170...; E. W. Downs and husband to S. Glover	25,000
110th st., s. s. 85th, e. of 3d av., 18x100.10; S. Ferguson and others to J. Wilson and others	6,000
Fordham av., w. s., 103 ft. n. of 167th st., 13.7x36.4; A. Aupfel to F. Engelhon	3,000
75th st., s. s., 220 ft. w. of 2d av., 20x102.2; M. Koehler and husband to B. C. Heald	16,000
47th st., n. s., 175 ft. e. of 11th av., 25x100.4; F. Knaack and wife to D. Dassler	Nom.
Water st., n. s. (Nos. 614 and 616); H. W. Kilborn and wife to H. Ehrlich	39,750
36th st., s. s., 366.8 ft. e. of 7th av., 16.8x98.9; J. E. Lester and husband to Annie L. Dyer	12,250
Railroad av., e. s., 158 ft. n. of Marble (24th ward), 58x150; E. Meguin to Z. Gillier	Nom.
13th st., n. s., 220 ft. w. of av. B, 25x103.3; J. G. Muller and wife to K. Mahler	17,000
Canal st., n. s., 62.4 ft. e. of South 5th av., 19.3x86; C. O. Miller and others to B. B. Johnston	Nom.
2d av., 99th st. and Harlem River; Walter Osborn and others (receiver) to C. Bell	Nom.
2d av., s. e. corner of 93d st., 76.5x100; L. S. Quackenbush and wife to E. W. Downs	Nom.
1st av., e. s., 20.3 ft. s. of 25th st., 17.9x61.4; L. J. Stich to Anna Her z	Nom.
5th av., e. s., 22.2 ft. n. of 84th st., 20x115; M. Sturges to J. T. Sturges	80,000
33d st., s. s., 340 ft. w. of 9th av., 15x98.9; W. S. Yard (referee) to H. Lapper	100
79th st. s. s., 175 ft. w. of 4th av., 50.6x102.2; W. G. DeWitt (referee) to Joseph Hewlett	16,000
57th st., s. s., 67.6 ft. w. of Lexington av., 25.5x22.6; A. McIntire (referee) to E. A. Jacob	10,400
57th st., s. s., 226 ft. w. of Lexington av., 22.6x25.5; same to same	10,400

MORTGAGES.

Barney, A., to Wm. H. H. Moore, s. s. of 11th st., w. of 3d av.; 2 years	$600
Colyer, George R. and wife, to O. H. Stearns, w. s. of Attorney st., s. of Houston; 1 year	1,000
Colling, A. M. and husband, to S. Miles, w. s. of James st. (No. 67); 2 years	4,700
Dyer, E. I. and husband, to W. C. Lester, s. s. of 36th st., e. of 7th av.; 3 years	2,000
Douglas, E. W. and husband, to A. Iselin, n. s., corner of 9th av. and 34th st.; 5 years	10,000
Doying, Sarah Johns, to W. Bronson, n. s. of 8th st., w. of 3d av.; 2 months	5,000
Evans, S. A. C., to St. Nicholas Insurance Company, s. s. of 90th st., e. of 4th av.	12,000
Heald, B. C., to J. L. Bogert, s. s. of 75th st., w. of 2d av.; 5 years	8,000
Oiwell, C. A., to Emigrant Savings Bank, Monroe st.; 1 year	3,500
Schwartz, John, to Jacob Keitel and wife, e. s. of av. B., between 10th and 11th sts.; 2 years	1,000
Seguine, Phoebe and husband, to K. Wiener (executor), n. s. of 36th st., e. of 6th av.; 5 years	4,000

BUSINESS TROUBLES.

In the County Clerk's office there were filed yesterday the assignments of Joseph Eschwind to A. H. Stroecklin; and Alexander S. Fiske, Harris K. Smith, Samuel A. Fiske and Charles E. Monroe, comprising the firm of Fiske Brothers & Co., in this city, and Monroe, Fiske & Co., of Boston, to Washington E. Langley.

THROWN OUT OF THE WINDOW.

Patrolman Clark, of the Third precinct, Brooklyn, found Winifred Kelly lying insensible on the flagging in front of No. 382 Hicks street yesterday morning. Subsequent inquiry elicited the fact that the unfortunate woman had been thrown out of the second story window by her husband, Patrick Kelly. She was removed to the Long Island College Hospital, where it was ascertained that her collar bone was broken and she had sustained severe internal injuries. Kelly was committed to jail by Justice Delmar to await the result of injuries inflicted upon his wife.

FOSTER'S MEADOW HORROR.

CONTINUATION OF THE INQUEST AS TO THE DEATH OF LITTLE MAGGIE BAUER—SUSPICION POINTING TO KATE HOFFMAN AS THE PROBABLE MURDERESS.

The inquisition as to the cause of the death of little Maggie Bauer was continued at Charlick's Hotel, Valley Stream, yesterday. The proceedings commenced soon after eight o'clock, and District Attorney Downing, as on the previous day, conducted the examination of witnesses. Much of the testimony taken tends still further to strengthen the suspicion against Kate Hoffman. Coroner Hicks submitted the hairs found on Kate's clothing and supposed to be from the murdered child's head, to the private examination of the parents, and they expressed the opinion that the hair was Maggie's. The members of the Rhoads family—the same to whom suspicion attaches—were subjected to a close examination. They were somewhat confused and contradictory in their statements and an alibi for Albert Rhoads was not clearly established. The intelligence of the family does not appear to be of a very high order, and the discrepancies may be the result of imperfect recollection. The Irishman, Collins, who has been under arrest on suspicion since the day following the murder, succeeded in pretty clearly establishing his innocence, and he was discharged on his own recognizance.

Mrs. Charlotte Rhoads, wife of Richard, testified that she was at home on Monday all day; her husband was away part of the forenoon, and after dinner laid down and went to sleep; Alfred got back from picking berries about twelve o'clock; he and his wife had dinner about one; they stayed at home until three or four o'clock, when they went to Fowler's to pick beans; the clock was too fast; Richard got up between two and three, and stayed around the house; Rich