THE COURTS.

Seventeen Years' Litigation Over an Estate.

An Heiress-at-Law Who Insists Upon Her Rights.

The Sculptor of Elias Howe's Statue Suing for His Money.

A COUNTERFEITING ITALIAN.

Dispute Over the Battle Flags of the Ninth Regiment

In the matter of the estate of the late Nathaniel Gilman, which has been the subject of unusual litigation in other States as well as in this, and already noticed in the HERALD, Miss Anna K. Gilman served her reply yesterday to the answer of George F. Gilman to her petition to have him compelled to file bonds as executor of the estate. For years past, it appears by the papers, Mr. Gilman has been the only active executor of the estate, and in her petition to compel him to give security Miss Anna K. Gilman, named in her father's will as executrix, alleges that she is the daughter and heir at law of her father, the late Nathaniel Gilman, who died in the month of December, 1859; that the will of the deceased was admitted to probate in this city in May, 1861, George F. Gilman, a son of deceased by his first wife, and Edward McClellan, a son-in-law, jointly qualifying as executors and receiving possession of all the assets of the estate, amounting in the aggregate to at least $1,000,000; that she is entitled under the will to one-tenth of such estate, with interest and dividends thereon; that in January, 1874, the Court, in a decision then made, announced an intention to protect her rights so far as in its power, and in pursuance of such announced intention she makes this application; that George F. Gilman has nearly all the assets of the estate in his possession as executor, except $190,000 and some small amounts paid to several of the distributees; that he is engaged in an extensive and hazardous business, and the assets of said estate in his possession are in jeopardy and great danger of being lost; that said business (tea business) has not been profitable for several years past, and, as she is informed and believes, his notes are sold in the market at a very high rate of discount; that she is also informed that said executor is disposing of his property to prevent her from securing her just rights in the estate; that said executor's circumstances are precarious and do not afford adequate security to her for her rights and interest in said estate and assets, especially at this time of general financial depression. She concludes by asking that on the foregoing grounds the executor be directed to deposit the one-tenth part of all the assets of the estate, as shown by his own inventory, with the interest or dividends thereon, in the United States Trust Company, subject to the order of the Court, on her sole application, for her sole benefit and the protection of her individual rights and interests in said estate and assets, and that such portion be taken from the funds and assets now on deposit in the Union Trust Company and the United States Trust Company.

To this petition Mr. Gilman makes a very voluminous answer, denying in great part the allegations therein contained. He alleges in substance that the appraised value of the estate was but $491,498 25; that it is not true that he holds all the estate except $190,000 and some small amounts paid to several of the distributees, and now the petitioner can justily such statements is impossible for him to conceive; that it is not true he is engaged in a hazardous business, his business—that of a tea merchant—being no more hazardous than any other mercantile business, and as conducted by him not in the least hazardous; that it is untrue that the assets of the estate in his hands are in danger of being lost, and untrue that the tea business has not been profitable for a few years past; that his notes are selling in the market at a high rate of discount, or that he is disposing of his property or intends to dispose of it, or wants to prevent the petitioner from securing her just rights in the estate. So far from this, he alleges that in order to secure the petitioner, who stands in the relation to him of a half sister, an abundant competency, he offered to purchase from her her interest in the estate, and pay her therefor $15,000 more than can be realized by any one of the nine other heirs equally entitled with her to a distributive share in the estate; that in proceedings previously had it was determined that her share in the estate was of the value not to exceed $45,000, including payments already made to her amounting to $25,000. During his lifetime, the answer continues, his (executor's) father made his headquarters in the store and office of his (executor's) brother-in-law, Edward McClellan, who had married an elder sister. Before his death his father had purchased a large iron safe, which he put in Mr. McClellan's office, and in which he kept his papers and valuables, except such papers as he might see fit to have about his person from time to time. Mr. McClellan acting as confidential assistant of his father during the last six or seven years and upward of his life. After his father's death the assets of the estate which came into the possession of Mr. McClellan and himself continued in the custody of Mr. McClellan and were kept by him, as he (deponent) supposed, in the safe belonging to the estate in his office, with the exception of cash on hand, which was kept in bank. Some years since all the government bonds which had theretofore been purchased by Mr. McClellan and himself, as investments of moneys of the estate, were, by order of the Court, deposited in the Union Trust Company, where they have ever since remained, except as they have been disposed of from time to time by order of the Court. The remainder of the estate, with some small exceptions, continued in the possession of Mr. McClellan, and was kept in the safe belonging to his (deponent's) father in his lifetime in the office of Mr. McClellan. Some time after an accounting made in 1871, to deponent's astonishment, he learned that Mr. McClellan had been using some of the assets belonging to the estate in personal speculations in Wall street, and immediately upon becoming apprised of that fact he communicated the information to the petitioner and the other co-executors. The result was the deposit in the United States Trust Company of all the securities which had theretofore been in the possession of Mr. McClellan, and which had not been lost or disposed of by him, and except such securities as the petitioner and her brother had not got possession of, and such securities still so remain on deposit. In April, 1873, upon an official investigation under direction of the Court, the whole estate, not including the sums already paid out, was reported at $372,178, out of which $183,000 remained on deposit in the trust company, and the distributive share of the petitioner fixed at $45,000, out of which she had received on account $25,000. It is believed by persons interested in the estate that the petitioner has received large sums of money and large amounts of property which she has not accounted for, and that the amount for which she is responsible to the estate very greatly exceeds the amount of her interest in the estate, but the approximate amount of which they have not been able to ascertain, owing to the petitioner neglecting to appear before the Auditor of Accounts appointed by the Court. The only assets in his hands belonging to the estate consist of bonds of the United States, which he purchased with the sum of $7,000 10, being the amount of principal and interest collected by him from Mr. Henry McClellan on his indebtedness to the estate. He has also collected since Mr. McClellan was removed from his executorship the interest on the forty United States registered bonds now on deposit in the Union Trust Company. His (deponent's) father, in his life time, and between the years 1853 and 1855 inclusive, from time to time advanced him certain moneys as part of his prospective interest in his estate. These advances were made by his father, he says, to him with the assurance on his part that he was not expected to repay them to him or to his estate, but they were made and received as on account of such prospective share in the estate, and the aggregate of which is $26,810 95, whereas his share of the estate, as already ascertained, would be at least $42,000. The notes given by him to his father, which were given as mere memorandums, came into the hands of the petitioner after her father's death, and on a portion of them she commenced suit and obtained judgment in the State of Maine, and sold his property there under execution issued thereon. For loss by this sale the courts in this State have subsequently declared that the petitioner must be reimbursed on settlement of the estate. In addition to the assets already mentioned as being in his hands he admits that he is also held responsible by the Court for about $9,000 interest, but of the moneys thus admitted to be held by him he alleges he has paid out large sums as advances to distributees of the estate and for expenses, and is confident that on the accounting now pending, giving him credit for his one-tenth interest in the estate and his fees and commissions as an executor, there will be a balance coming to him. Since the death of his father, and commencing immediately thereupon, he charges that the petitioner has involved the estate in endless and vexatious litigation and controversies in the various courts of the State of Maine and in various courts of the State of New York and the United States. He concludes by asserting that so far from the petitioner being insecure in her share of the estate there is on deposit in the Union Trust Company alone, to say nothing of the deposits in the United States Trust Company, more than three times the amount which can, by any possibility, be coming to her from the estate, that he is personally worth at least $300,000, and, although believing he is worth much more, prefers not to state how much.

To the foregoing answer Miss Anna K. Gilman, the petitioner, who claims to have fought for her own and the younger heirs' rights during the past seventeen years, has made quite an exhaustive reply. In it she claims in substance that the receipt of Gilman and McClellan to the official collector shows them to have come into the possession of all the assets, which appears by their own inventory to be, in bonds, securities, &c., $359,172 81; in cash, $171,557 59; and in addition thereto, $70,000, ordered to be transferred from Maine, that as to the appraised value she has nothing to do, but only desires the one-tenth part thereof, with interest and dividends; that said Gilman is engaged in a business very widely extended, which, with the late shrinkage in less, which has been about two-thirds of the previous value thereof, must necessarily make it hazardous, and in these times when the oldest and best firms are failing, owing to the general shrinkage in merchandise, and, in addition, the rumors that are in circulation respecting the present financial embarrassment of said Gilman, justifies her in swearing to what she has every reason to believe to be true; that said Gilman has never made her any offer whatever to purchase her interest in her father's estate or otherwise, and she neither asks nor wishes one dollar more than what is justly due to her as heir and as to the question of the amount that can be realized by any one of the nine other heirs equally entitled with her to distributive shares in the estate, after they have been bought and signed away their rights in the estate, is a question with which she has nothing to do; but she does demand her just rights—one-tenth part of the assets of her father's estate, as shown by the executor's own inventories, which share she places at $85,917, with seventeen years' interest on the same; also the one-tenth part of the $201,500 of government bonds, which were purchased with the $171,557 59 cash, some of which bonds were purchased as low as $83 for $100. She also claims one-tenth of the advance and interest on the bonds, and interest and premium on the gold, the notes of Henry McClellan for $18,721 11, which were paid with interest compounded to the executors; the notes of Edward McClellan, with interest, for $70,000, and notes of George F. Gilman, which amounted to, including interest from the year 1860, to $156,000, as it was the duty of said George F. Gilman, as executor, to have collected said notes from himself or interest on the same. Though she doubts that it is justice to herself she is willing to be generous and to take not only $15,000, but twice $15,000 less than what she has shown to be her just due, but she does not propose that this offer shall be construed as taking $30,000 less than her alleged share, according to said George F. Gilman's hocus-pocus accounting. As to the statement of said Gilman that his business is not more hazardous than any other business, admitting it to be true, which she denies, the times are such, she says, that all business of a mercantile nature is hazardous. If said George F. Gilman went to a banker or money lender to borrow even a small amount he would be compelled to pledge his business reputation with something more substantial in the shape of good collateral before they would discount his paper; and yet the Court has heretofore compelled her to place her interests at the mercy of two merchants, one having failed and been removed for irregularities. To quote her own words, she proceeds:—"The proceeding which George F. Gilman states, assuming to fix my share, I well knew and was a party to. Proceedings were taken before Surrogate Hutchings, in which he directed his clerk, Mr. Van Schaick, to inquire into sufficiently to grant the application of the two Redington children, being daughters of the executor, Isaac Redington, who is largely indebted to the estate, and which examination went only so far as to give them more than they asked for and to send my application before the present auditor. The report of said Van Schaick states as follows:—'The estate remaining on hand represented in the Union Trust Company, the United States Trust Company, and debts and interest due by the executor, George F. Gilman, and by two bonds and mortgages, amounts to at least $372,178, which is the minimum present value of the estate, the actual value being large, but the extent thereof beyond said sum being for the purposes hereof deemed unimportant.' And I am speaking the truth, as George F. Gilman well knows, when I so state, as I have respecting the same in my petition herein, and the records on file in the Court will not disprove my said petition in this respect. I have received $25,000 on account of my distributive share, but most of this has been paid out in necessary legal expenses on behalf of the estate, and the amount I have received as executrix will appear by my accounts." She then goes on to assert that after by her efforts, some of the securities had been deposited in trust companies as a safeguard for the shares of herself, her mother and the younger heirs, and while an appeal from the order so directing was still pending and undecided Surrogate Hutchings ordered more than $100,000 of the funds so deposited to be paid out to lawyers and heirs who opposed this motion, and part of this without authority of law. She says she does not see the sense of the oft-repeated reference of George F. Gilman to her father's safe. Of course her father had a right to a safe or a dozen safes, and the only question is has an executor who assumes the trust and responsibility of caring for the property of others the right to prate about a safe as an excuse for not doing his duty. She denies that George F. Gilman immediately told her when he discovered his co-executor McClellan had been using the funds of the estate in speculation, and alleges that it was discovered some time after through proceedings in court, and that Gilman induced her and her brother not to insist on prosecuting McClellan by promising to advance them each $10,000 on account of their share and Mrs. McClellan executing a mortgage for part of the amount used. She utterly denies that large amounts of the assets came into her possession, and says George F. Gilman knew that assertion by him to be untrue, but even if they were true, she claims it would be only carrying out the agreement made by all the other heirs, and which the Court has undertaken to enforce that of securing her tenth part of the estate from all possible loss, leaving her to account at the proper time and place, and which she is anxious to do as soon as the final accounting of George F. Gilman is finished. The said George F. Gilman, she asserts, got all the assets of the estate named in his inventory, and if he has not got them she would like to know what he has done with them. As to his father advancing him money on account of his prospective share of the estate, she knows it to be untrue, as her father said to her in the Astor House, when some of those notes fell due and were not paid, that he was astonished and grieved, and did not know what to think of George, because he would not pay any of his notes. These notes, instead of being $56,000, amount, with interest, to $170,000. She then recites at great length all the proceedings she had been compelled to take in this and other States during the past seventeen years, and claims that they were all necessary to the safety of the estate and all successful, the first being to compel the executors to file an inventory of the estate, which they had delayed not only the three months allowed by law, but nine times three months, although it could at any time have been made in a few hours. Without such litigations, she says, all of which were founded on the misconduct of George F. Gilman, all the estate would have been wasted, as much of it has been. She concludes her long reply by saying:—"It is immaterial to me how the other heirs settle their interests in the estate, provided they give me my one-tenth of the estate, with interest, increase, expenses, lawyers' fees and commissions as executrix. I deny the statement (if it is true that there is $97,000 in bonds in the Union Trust Company) that there is sufficient to pay my share in said estate, even in both trust companies, as I claim the following—viz., share of assets as per inventory, $85,917; accumulations on the same, $56,915; United States bonds, with accumulations, $46,000; notes of George F. Gilman and Henry and Edward McClellan, $25,000—in all $241,832. Amount received on account, of which $15,000 was paid for legal expenses, $25,000." The questions involved in the foregoing pleadings and affidavits will come before the Court for argument and decision at an early day during the present term.

ELIAS HOWE'S STATUE.

A public rumor prevailed some time since that the poor sewing women of the city and country were to unite in a subscription to plant in the Central Park a statue of the late Elias Howe as a public mark of their respect for the memory of him whose inventive genius has saved them so much wearying and routine manual labor. For some reason not hitherto disclosed the statue never found a place in the Central Park, but is catalogued and exhibited at the Centennial Exhibition in the Art Gallery there. While there exhibited to the admiring gaze of visitors from all parts of the world the cost of its construction and the contract under which those costs were incurred have found a place in the litigations of the courts. Salathiel Ellis, the artist of the work, has brought suit in the Court of Common Pleas to recover from the Howe Machine Company the sum of $20,000 as compensation for his services in that respect. He charges in his complaint that in January, 1872, he contracted with the defendants to model and cast in bronze a statue of Mr. Howe, for which he was to receive the compensation named; that he completed his contract and delivered the statue to the company, but received on account of his bill only $6,999 75, leaving a balance of $14,000 25, for which he asks judgment, with interest from June 30, 1873, the time when his contract was completed. The company answers by stating that the proposition to model and cast the statue came from the plaintiff, they promising only to advance him money and materials to enable him to complete the work; that this promise was made by them on the representations that plaintiff was capable and would perform the proposed work in an artistic and workmanlike manner, and that in pursuance of their promise they had advanced him $10,000; that instead of the work being performed in a workmanlike and artistic manner it was so deficient in these respects that no place could be found for it in the Central Park, and that it is not worth more than $2,000. It is explained outside the pleadings, on the part of the plaintiff, that the object of the company in seeking to place the statue in Central Park, as the company's founder, was to advertise its business, and the reason why the Park Commissioners refused to accept it was that Mr. Howe was not within the pale of public men whose statues it was their duty to accept; that the Park Commissioners also complained of the inartistic appearance of Mr. Howe's superannuated cut of garments. While in modelling the statue the company had insisted he should, like Cromwell, be presented exactly as he was, his curls and coattails alike unabbreviated. This objection, therefore, the artist thinks should not be charged on his score. As a non-resident plaintiff was compelled to give security for costs of suit, and the matter was to have come before the Court yesterday upon an examination as to the sufficiency of plaintiff's bondsmen, but was adjourned over.

The counsel representing plaintiff are Messrs. Field and Deyo, those representing defendants, Messrs. Buckham, Smales and Walker.

AN ITALIAN COUNTERFEITER.

An Italian passer of counterfeit money was yesterday brought up for examination before United States Commissioner Deuel by Detective J. A. Button, his captor. The prisoner, Antonio Andreas, has proved himself, through his pretended ignorance of the English language, an adept as a shover of the queer, which he has been evidently practising for some time. Andreas yesterday entered the drug store of Thomas J. Burke, No. 90 East Broadway, and called for a glass of soda water, offering in payment therefor a one hundred dollar bill of the National Bank of Lafayette, Indiana. Mr. Burke at once detected the counterfeit, but quietly inquired of Andreas whether he had any other money to pay his small indebtedness. The latter replied that he had not, but being pressed he drew forth a genuine one-dollar bill. Mr. Burke then concluded that this was an attempt to pass the counterfeit, and directed his clerk to call a policeman. Andreas at once darted into the street, followed by the clerk at full speed, and an exciting race followed down East Broadway into Pike, Division, Allen and Delancey streets. Detective J. A. Britton joined in the pursuit, and, closing on the runaway, fired a shot to bring him to. This had no effect, and it was not till Mr. Britton had fired three shots at the fugitive, not intended to hit him, that he hailed and gave up. Mr. Britton took his prisoner to the Tenth precinct station house, supposing, from the fact that during the chase no had dropped several small packages, he was but a runaway thief. On being searched, however, a counterfeit ten-dollar bill was found on his person, and the drug clerk coming up testified to his attempt to pass the first note. On this information the detective took his prisoner before United States Commissioner Dewell, who held him for examination on Monday next in default of $1,000 bail. A card was found on the prisoner which directed the inquiries of the detective to Mr. Samuel Michael, a dealer in gentlemen's furnishing goods, at 456 Hudson street, when it was ascertained that Mr. Michael had on the previous day been victimized by the prisoner, who gave him a counterfeit ten-dollar bill on the National Bank of Richmond, Indiana, in payment of a seventy-five cent shirt. The police suspect Andreas to be an old operator under an assumed name.

NINTH REGIMENT BATTLE FLAGS.

A case was tried in the Marine Court, Part 2, yesterday, before Judge Sheridan, arising from the claim of two ex-colonels of the Ninth regiment, National Guard, to the rightful custody of the battle flags of the regiment. The plaintiff and defendant, William Chalmers and James R. Hitchcock, are ex-colonels of the Ninth regiment. At the time that the old Ninth was mustered into the United States service Mr. Chalmers accompanied it to the field, returning to New York as its colonel, at which time the regiment was mustered out. This controversy grows out of the right of possession of the flags carried by the regiment through the war. Upon the case being called for trial yesterday, there being no appearance on the part of the defendant, the plaintiff proceeded to take an inquest. According to his statement the new Ninth was organized about six months before the return of the old Ninth from the field, that regimental number being obtained for it from Governor Seymour through false representations, and upon the mustering out of the regiment the defendant, then colonel of the new organization, demanded of him the colors, which he refused to deliver up, whereupon Mr. Hitchcock made a charge against him before Police Magistrate Kilbreth of stealing flags, upon which a warrant was issued and an arrest made; that subsequently an examination was had and plaintiff honorably discharged. This action is for malicious prosecution, damages being claimed for the humiliation attendant upon the arrest and the publicity given to it, the legal expenses and detention from business. There being no appearance on defendant's behalf, of course the merits of the case on his side could not be presented; but, by his answer, he claims that the flags were the property of the State and that his action in the matter was taken as its proper custodian and without malice.

Justice Sheridan charged the jury that unless they believed the defendant to have been prompted by malice in causing plaintiff's arrest no recovery could be had.

The jury rendered a verdict in plaintiff's favor for $250.

ESCAPED ON A TECHNICALITY.

A respectably dressed middle-aged man named August Daseman was before Judge Westbrook on habeas corpus yesterday, in Supreme Court, Chambers. He had been committed to the Workhouse on Blackwell's Island, for six months by Police Judge Duffy, for "disorderly conduct," he having been arrested for committing a beastly offence. Mr. William F. Howe contended that the act testified to did not constitute a crime, and that the commitment was illegal. The Court held that on the Judge's return the commitment was bad, and discharged the prisoner.

SUMMARY OF LAW CASES.

Anthony Moladisdi, a young Italian, of No. 10 Dominick street, was taken before United States Commissioner Dewell yesterday on a charge of attempting to pass a counterfeit ten-dollar national bank note in a hat store in Eighth avenue. The prisoner said that he received the note as part of his wages from a man for whom he formerly worked, and that he did not know that it was counterfeit. No evidence could be adduced to hold the prisoner, and he was discharged after having reluctantly burned the note in the presence of the Commissioner.

DECISIONS.

MARINE COURT—CHAMBERS.

By Judge Sinnott.

Winn vs. Pullman.—Motion denied, without costs.

O'Callaghan vs. Brosnan.—Judgment vacated and set aside and defendant allowed to serve answer on payment of $10 costs within six days.

Baibler vs. Teller.—Motion denied on payment of $10 costs to defendant.

Blunden vs. Tallmadge.—Motion denied, with $10 costs to plaintiff.

Silberman vs. Schnubley; Stewart vs. Tooker; Goodkind vs. Rapp; Roust vs. Simon; Boorden vs. Katz.—Orders granted.

Tripp vs. Drennan.—Motion granted.

Cohen vs. McConnell.—Motion to dismiss granted.

Aquind vs. Rohe.—Motion denied, with $10 costs.

Dollard vs. Tapscott; Delamater vs. Wetmore; Schmidt vs. O'Donnell; Same vs. Carey.—Orders granted.

Farrell vs. Gilbert.—Motion denied.

In the matter of William Colligan.—Subpœna dismissed.

By Judge McAdam.

Lundy vs. Daggett.—The defendant may take an order, &c. See papers.

Hayward vs. Marcy.—Default opened on terms.

Denison vs. Havens.—Memorandum for attorneys.

Haaly vs. Black.—Justification approved.

By Judge Sheridan.

Taressia vs. Booth.—Case settled.

SURROGATE'S COURT.

Estate of John S. Howell.—Order entered allowing executor to issue against the executors upon judgment or appeal to Court of Appeals.

Estate of Joseph J. Rogers.—Order entered directing account of proceedings to be filed by September 11.

Estate of Mary Anne McNair.—Order to show cause why authority should not be given to executor to mortgage, lease or sell real estate to pay debts.

Estate of Charles Heilman.—Order that Anthony Hess, guardian of Louisa A. Wagner, pay to her $125.

Estate of Eugene Despaigne.—Order that letters of administration issue to Lawrence Turnure, on giving proper security.

Estate of Frederick Sunkel.—Order that Charles Pannsteck, guardian, &c., be enjoined from disposing of the estate or money in Germania Savings Bank, New York, until further order of Surrogate.

William Ryer.—Order that David G. Ryer be deemed to have renounced his appointment as executor.

James Dunne.—Order dismissing petition for payment of legacy.

—— Whitford.—Order that letters of administration issue to Public Administrator.

SUPERIOR COURT—SPECIAL TERM.

Kuizman vs. Davidson et al.—Referee's report confirmed and judgment of foreclosure and sale ordered.

Smith vs. Cantrell.—Order granting defendant leave to furnish bond, &c.

Miller vs. Freedman.—Motion denied, with $10 costs.

Astle vs. Herdlinger.—Three hundred dollars' allowance to plaintiff.

Bennett vs. Lathrop.—Undertaking approved.

GENERAL SESSIONS—PART 1.

Before Recorder Hackett.

AN IMPENITENT THIEF PUNISHED.

John Alexander, formerly a barkeeper at the City Hotel, corner of Broadway and Eighth street, was tried in the Court of General Sessions June 3 last and found guilty of grand larceny. He was then remanded for sentence, and told that if a portion of the stolen property were returned his sentence would be lightened in proportion. The complainant was Letitia J. Davis, of No. 213 West Forty-fourth street, who stated that on March 29 she left at the hotel, where the accused was employed, and of which Charles L. Salisbury was proprietor, a trunk containing clothing and pawn tickets representing jewelry in all to the value of $100. On an early day in April she returned to pay $8 due the hotel proprietor, when she found that the hotel had changed hands. After much trouble she found Alexander at No. 7 Clinton place, and asked for her trunk. He refused to say where it was, but she finally found it in the express office of Samuel Eldridge, No. 451 West Thirty-eighth street. The trunk was opened in presence of the latter, and the complainant found that her property had been stolen and that the trunk contained nothing but some clothing which had been worn by Alexander. Proceeding to the pawn office she discovered that her property had been taken out by some person who presented the tickets. Thereupon she caused the arrest of Alexander, who was jointly indicted by the Grand Jury with Salisbury. The latter has not been arrested. Assistant District Attorney Bell applied to the Court yesterday to have Alexander sentenced, as he had done nothing to restore any of the stolen property to the poor woman. The Recorder sentenced him to four and a half years in State Prison.

DEFAULTING CASHIER SENTENCED.

John C. Schwartz, former cashier of the German Uptown Savings Bank, it will be remembered, absconded, when it was found that he had embezzled more than $6,000 by altering the books of depositors. He came back, was arrested, and on the 30th of June pleaded guilty to grand larceny. He was remanded for sentence till yesterday, when he was sentenced by the Recorder to four and a half years in State Prison.

FORGER DISPOSED OF.

Leopold Kauiman, who says he is a clerk, and lived at No. 8 Broadway, was charged with forging two checks in the name of Mr. David Kauns, of No. 216 Broadway, upon the National Park Bank. The first being drawn and cashed June 29 for $150, and the second July 15 for $200. Leopold pleaded guilty and was sentenced to five years' confinement in State Prison.

TEN YEARS IN STATE PRISON.

Thomas Seever, a steam fitter by occupation, and who hails from Rhode Island, broke into the premises of Mary Burke, No. 356 East Tenth street, struck her with a saucer and then carried off $1 60 worth of property. He pleaded guilty to robbery in the first degree before the Recorder yesterday and was sent to State Prison for ten years.

AN UNLUCKY ATTEMPT.

Henry Field, an Englishman and jeweller, living at No. 12 Rose street, together with his wife, Margaret, were arraigned on an indictment charging them with highway robbery. It appeared that on August 5, Mrs. Field attempted to pick the pocket of Mary Hughes, in Vesey street. Mary caught the hand of the accused in her pocket, and grasping it, cried for help. Thereupon the husband of the thief rushed to the spot and pinioned Mary's arms while his wife removed the pocketbook containing $12 44. The woman was discharged and His Honor accepted a plea of grand larceny from the husband, and sentenced him to five years at hard labor in State Prison.

PLEAS AND SENTENCES.

William Kelly, of No. 221 Thompson street, who broke into the premises of Julius Sindee, at No. 157 Bleecker street, and stole clothing and money to the value of $50, was sent to State Prison for five years.

John Meehan, a youth of nineteen, living at No. 47 Ludlow street, admitted he had snatched a watch from the vest pocket of Gottlieb Schafer, of No. 2 Greenwich street, and was thereupon sent by the Recorder to State Prison for three and one-half years.

John Reynolds, who stole seven boxes containing $28 worth of stockings from Benjamin L. Collin, of No. 269 Canal street, on the 12th of August, was sent to the Penitentiary for six months.

John Keefe, one of three boys who stole a small boat from John Quigley, of Brooklyn, on July 15, was sent to the Penitentiary for eighteen months.

John Hurly, a youth of eighteen, living at No. 122 Roosevelt street, who on the 26th of August snatched a watch and chain from Charles Johnston, of No. 89 Cherry street, went to the Penitentiary for two and one-half years.

Henrietta Waibel, who stole a diamond ring and other property from Henry Perhune, of No. 409 East 116 n street, on June 25, was sent to State Prison for eighteen months.

GENERAL SESSIONS—PART 2.

FORFEITED BAIL CASES.

A number of prisoners released by the District Attorney on bail had failed to appear when called upon recently, and yesterday morning Assistant District Attorney Herring made a statement of the facts in the various cases to Judge Gildersleeve, whereupon His Honor ordered returns to be made to the Court of Common Pleas, in order that judgments may be entered against the defaulting bondsmen. The latter are John Fay, who gave bail in $500 for the appearance of Daniel Kenny, indicted for assault and battery; William J. H. Hart, who gave $1,000 bail for John Walker, indicted for forgery in the third degree; Joseph Kahn, who gave bonds in $300 for the appearance of Margaret Whalen, indicted for assault and battery; Michael Egner, who furnished bail in $2,000 for the appearance of Frederick W. King, charged with assault with intent to kill, and Henry Krause, who furnished bail in $500 for Hermann Weigand, indicted for obtaining goods by false pretences.

POLICE COURT NOTES.

At the Washington Place Police Court yesterday, before Justice Duffy, John Brady, of No. 244 East Twenty-eighth street; Franklin White, of No. 454 West Twenty-ninth street; Thomas Rielly, of No. 215 West Twenty-seventh street, and John Cullen, of No. 212 West Twenty-seventh street, all young men, twenty-one years old, were held for trail for attempting to steal a cash box containing $30 from the stables of the New York Transfer Company in Twenty-eighth street, between Seventh and Eighth avenues.

THE TABLES TURNED.

A week ago a Connecticut jeweller, named John Comerford, came to this city and purchased stock to the amount of $1,000, which he placed in the hands of a friend for safe keeping, and then went on a spree. Yesterday morning he was brought into the Essex Market Court, when the following conversation occurred:—

Justice FLAMMER—How much money did you have when you came to New York?

COMERFORD—Two thousand dollars.

Justice FLAMMER—How much have you left?

COMERFORD (winking one eye)—That's my business.

Justice FLAMMER—I had no right to ask the question, but I am going to fine you $10 for being drunk.

COMERFORD—Judge, what right have you to fine me $10.

Justice FLAMMER (winking one eye)—That's my business.

Comerford was taken away disconsolate. Judge Flammer subsequently learned he only had $6 left and discharged him.

A COMPLICATED CASE.

THREE COLORED MEN IN CUSTODY.

Yesterday afternoon three colored men, named respectively George Wise, of No. 215 West Sixteenth street; Levi H. Perris, of Brooklyn, and Thomas Hill, of No. 120 Clinton place, were arraigned before Justice Morgan, in the Tombs Police Court, on a charge of stealing a box containing twelve dozen Davidson's syringes, valued at $200, from the store of the Rubber Clothing Company, of No. 365 Broadway. The complainant, Mr. Frederick M. Shepard, who is president of the company, stated that the property was stolen on the 31st of August, and that two of the prisoners—namely, Wise and Perris—were employed on the premises as porters. On Thursday afternoon an officer of the Fifth precinct found the stolen property in the possession of Jeremiah Quinlan, residing at No. 138 William street, who was arrested and locked up. The prisoners were brought before Justice Morgan at the Tombs Police Court yesterday afternoon, where the following facts were elicited:—Robert J. Gibson, a cartman, residing at No. 35 Gansevoort street, swore that he was employed by Wise to take a box which he told him contained kindling wood, to a Mrs. Meyers, at No. 1 King street, which he did. Otto Rappolo, a clerk in a drug house at No. 345 Canal street, stated that he was employed by the prisoners to sell a quantity of the alleged stolen syringes, which he did sell to Jeremiah Quinlan, of No. 138 William street, for $160, and that he was to receive $6 for the job; and William Newman, a cartman, who stands at the corner of Canal street and Broadway, swore that he was hired to take the property to Quinlan. Mrs. Meyers denied that she had any knowledge of the contents of the box. The prisoners, through the advice of counsel, demanded an examination and were fully committed.

BURGLARS SHOT AT NEW UTRECHT.

The village of New Utrecht has been in a high state of excitement since Thursday last, consequent upon a daring attempt at burglary, which was frustrated. For some time past the housebreaking fraternity have been exceedingly busy in that place, and the young men organized a night patrol for the purpose of protecting their property. About three o'clock on the morning of Thursday two of the volunteer patrolmen were on their way along the railroad track when they heard a noise proceeding from the store of William Cropsey, which is directly opposite the track. On approaching the place they saw two burglars on the stoop trying to open the store door. They fired one shot each at the fellows, who ran away pursued by the patrol. One of the shots took effect, but the rogues managed to get into a wagon which was in waiting for them and were driven off at a furious speed by a third party who had the vehicle in charge. The burglars did not return the fire. There can be no doubt as to the wounding of one of the scoundrels, as blood was found on the door stoop and on the road to the spot where they got into the wagon. Some people, who were aroused by the firing, say they heard a man cry out, "Wait for me, for God's sake; I am dying!" Tools were found on Mr. Cropsey's stoop; also a hammer and an auger. These latter had been stolen from the blacksmith's shop of Michael Feigle.

On last Sunday night the residence of the Rev. Mr. D. S. Sulphin, pastor of the Dutch Reformed church of New Utretch, was entered by burglars, and on Friday two tramps, Richard O'Brien and Adam Maurer were arrested on suspicion of being the culprits in the latter offence, and were committed to jail for examination.

SANITARY INSPECTION OF SHIPS.

Yesterday Counsellor Williams, of the Brooklyn Board of Health, filed in the office of the Kings County Clerk an order of Justice Calvin S. Pratt, of the Supreme Court, denying the application of Messrs. Brett & Co., shipping merchants of New York. The plaintiffs sought to mandamus the health authorities from carrying out that section of their code which requires the master of each vessel discharging cargo on the Brooklyn shores to procure a permit and pay $1 for the same. The shipping merchants argued that the fact that a vessel had passed through Quarantine and had a clean bill of health was sufficient evidence for the Health Board of the safety of their cargo from infection. The defendants contended that it made "assurance doubly sure" to reinspect the cargo, and that it was no hardship for the shipping merchants to comply with the local health law, a position which the Court sustains.

CORONERS' CASES.

Coroner Ellinger yesterday held an inquest in the case of Peter Dobbins, aged ten, of No. 556 West Forty-third street, who was accidentally drowned July 16, by falling off the dock at pier 43, North River.

Martin Lawlor, aged fifty, of No. 150 West street, was found dead in bed Thursday afternoon.

John Spielman, aged twenty six, of No. 1,638 Third avenue, a laborer in Ehret's brewery, fell dead on the sidewalk at Third avenue and Ninety-second street yesterday morning.

Louisa Mills, aged fifty-six, was brought to Bellevue Hospital Wednesday evening and died in a few hours. The case was yesterday referred to Coroner Croker to determine the cause of death.

DISMISSED THE DEPARTMENT.

TRIAL OF CAPTAIN VAN DUSEN BY THE POLICE COMMISSIONERS.

The trial of Captain William A. Van Dusen, of the Fifteenth precinct, took place yesterday before the full Board of Police Commissioners. The defendant asked for an adjournment on account of the absence of an important witness, but, the witness appearing, the case went on.

Patrolman Henry, of the Fifteenth precinct, testified that on the night of August 30 Captain Van Dusen selected him and Officer Carr from the ranks and ordered them to go to "The" Allen's keno game, at No. 95 Bleecker street, permit no one to go up stairs without accompanying them and remain inside until relieved. Henry and Carr proceeded to the place, accompanied by Detective Slevin. The latter told "The" Allen that the officers had been ordered to remain inside to prevent gambling. Allen invited them to make an inspection, at the completion of which he ordered them to leave the premises. They refusing to do so he locked the doors, making them prisoners. Henry asked Slevin to notify the Captain of Allen's act, and Slevin soon returned and said that the Captain's orders were for them to remain there; subsequently Slevin came to the door, and, speaking through a hole said, "Are not you men out yet?" he then told Carr and Henry to break through the windows, but they refused to do so without the Captain's orders; the officers were released at eleven o'clock the next morning by Allen opening the doors.

Officer Carr corroborated the previous witness.

Detective Slevin testified to being present when the Captain gave Carr and Henry orders to go to No. 95 Bleecker street and stay there; witness went with them and pointed out the door; after Allen threatened to lock up the officers as trespassers Slevin returned to the station house and informed the Captain of the fact; the latter replied, "Let them stay there;" after that time the captain gave him (Slevin) no further orders about the matter; witness was positive that the Captain did not tell him to get a ladder and release the men.

Captain Van Dusen, in his own defence, testified that he sent Officers Carr and Henry to Allen's place, with instructions to effect an entrance if possible and stop gambling; he told Slevin that he had sent the men; no other person knew anything about it; but when the officers reached the place no gambling was going on; when he (Van Dusen) learned that his officers were locked up by Allen he instructed Slevin to get a ladder and release them by way of the window, and he supposed it had been done; witness gave the officers orders to remain at the place between the outer and inner doors; did not instruct them to remain inside or take possession of the premises; he did his duty on learning of their incarceration by Allen when he ordered Slevin to release them.

Edward Malloy, a private detective, corroborated Captain Van Dusen. He was present when the Captain ordered Slevin to get a ladder and release the men.

The case was then declared closed, and the Commissioners soon afterward held a meeting and dismissed Captain Van Dusen from the department, all voting yea.

The record of the removed captain is good. As a sergeant he especially distinguished himself, securing (in 1872) his promotion to a captaincy. At the general transfer of captains he was sent from the First to the Fifteenth precinct, in which latter precinct he was regarded up to the present difficulty as an able and efficient officer.

An almost universal feeling of regret exists throughout police circles at his misfortune.

BOARD OF POLICE.

At a meeting of the Police Board yesterday Sergeant Robb, of the Eighth precinct, was transferred to the Second Inspection district for duty as aide.

The election advertising was awarded to the *Tribune* and *World*, those papers being the lowest bidders.

The Superintendent was directed to detail thirty patrolmen at Creedmoor during the Centennial rifle match.

The case of Captain Robbins was dismissed.

BRAZILIAN INDEPENDENCE.

The day before yesterday (7th of September) was the anniversary of the independence of Brazil. The Brazilian Minister in Washington, Councillor Carvalho Borges, gave a banquet, at the Union League Club of Philadelphia, which was attended by the following representatives of the Brazilian Colony in this country:—Messrs. Torredo de Barros, Secretary of the Brazilian Legation; J. Nabuco, Attaché to the Brazilian Legation; Dr. Salvador de Mendonca, Brazilian Consul General in United States; Sully de Souza, Consul of Baltimore; Councillor Lopes Netto, Vice President to the Brazilian Commission in Philadelphia; Drs. Nicolal Moreira, Paes Leme, Azevedo Correia, Captain Saldanha, members of the Brazilian Commission; Captain Luiz de Rezende, Dr. Alvin, C. E.; R. Lisboa, from the Brazilian Consulate General; Dr. Netto Teixeira and Joseph Ewbank. The Brazilian students in the United States gave another dinner party on the same day also at Philadelphia. In both festivals commemorative of Br