THE COURTS.

Injunction Suit Against the Atlantic and Great Western Railroad Company.

A MYSTERIOUS MARRIAGE.

Indictments in the United States Courts Thrown Into the Waste Basket.

RICH FIELDS FOR DEPUTY SHERIFFS.

In 1855 there was built the Atlantic and Great Western Railroad in Ohio, the length of the road at that time being 245 miles. A mortgage was made to secure $4,000,000 of bonds to pay for construction of the road. Upon the subsequent extension of the road through Pennsylvania and into this State, making the road altogether over four hundred miles in length, a second mortgage was made and $18,000,000 in bonds were issued, the majority of these latter bonds being disposed of in Holland. The railroad company failed to pay the coupons on the first mortgage bonds, and the result was a fight among the Holland bondholders. At a meeting of such bondholders at Amsterdam a committee was appointed to look after their interests, which committee sent an agent to this country to see what steps were best to be taken to advance such interests. These negotiations did not result very favorably, and finally a third mortgage was made on the road, and $56,000,000 of bonds were issued. These mortgages are respectively designated as the Flag, Penn and Dunphy mortgages; trustees in the usual manner being appointed in each case. Meantime, interested in these various mortgages are a number of English bondholders. As in the first two mortgages, there was in the last one default in the payment of the interest, and suit to foreclose that mortgage is pending, and the road is in the hands of a receiver. Pending the suit the representative of the first mortgage bondholders made an agreement by which the receiver was to pay them their dividends quarterly, instead of semi-annually, and the trustees are to forbear from selling the road for the principal, which is now due, as the road could not now be sold except at a sacrifice. This agreement was made between the representatives of the Dutch and English first mortgage bondholders. Kohn Reinach, one of the first mortgage bondholders, who resides in France, brought suit to compel Louis H. Meyer, trustee of the mortgage, to foreclose, and took out an injunction in this State to prevent the parties from carrying out any agreement to prolong the date of the sale. Proceedings meantime have also been taken in the United States courts in Summit county, Ohio. The case came up for argument before Judge Lawrence, in Supreme Court, Chambers, upon the question of continuing a temporary injunction recently granted by Judge Brady. Several hours were consumed in the argument, Messrs. Da Costa and Seward appearing for Reinach, Messrs. Bolker and T. F. H. Meyer and D. T. Waldron and Henry Smithers in opposition. The argument resolved itself mainly into the discussion of two propositions—first, whether a trustee under a railroad morigage can arbitrarily refuse to foreclose when the mortgage is due; and second, if he cannot, whether the bondholders can authorize him to do so, and thus prevent the majority from securing payment of the bonds by a foreclosure and sale. At the close of the argument Judge Lawrence took the papers, reserving decision.

A WIDOWER'S MYTHICAL MARRIAGE.

A case somewhat out of the routine of ordinary court cases came to trial yesterday before Judge Van Brunt, holding Supreme Court, Special Term. There was a promise of some curious and interesting developments, but the restrictions placed by Judge Van Brunt upon counsel kept the facts within a narrow compass. Samuel Schiffer states that in March, 1872, he purchased some real estate, near the junction of Eighth avenue and 133d street, of John C. Deitz, for which he agreed to pay $50,000, and for which he did pay $12,500 cash, the residue remaining on bond and mortgage. At the time of the delivery of the deed he supposed that Deitz was an unmarried man and consequently that there was no wife to claim a right of dower in the property. Subsequently, upon ascertaining that Deitz was married and that his title was not good under the deed, he asked to have the money he had paid refunded to him and the bonds and mortgages cancelled. A suit grew out of the transaction, and as already stated came to trial yesterday before Judge Van Brunt. After the witnesses for the plaintiff had been examined by their counsel, ex-Judge Birdseye and James M. Fish, the case for the defendant was opened, he being represented by Messrs. Inbess, Roosevelt and Carley. It was stated on behalf of the defendant that his first wife died in 1869, and that she woman now calling herself Mrs. Dietz, but whose real name is Mrs. Marsden, began living with him as his wife in 1871, and that at the time of selling the property in question he did not regard her as his wife, and that therefore there was no intentional deceit practised in this regard on his part. When counsel had finished his opening Mr. Deitz was called to the witness stand.

"When did your first wife die?" his counsel asked him.

"On the 16th of October, 1869," promptly answered the witness.

"Where and under what circumstances did you meet the woman now calling herself Mrs. Deitz and claiming to be your wife?"

"Question excluded," said the Judge.

"By what name was she known?"

"Mrs. Marsden."

"Did you go through a ceremony of marriage with this woman?"

"Yes, sir."

"Under what circumstances and when?"

"Question excluded," said the Judge.

"Did she not tell you at the time that she was a married woman and what her husband's name was?"

"Question excluded," said the Judge.

"What induced you to go through the ceremony of marriage with her?"

"Question excluded," still again interrupted the Judge.

The counsel found that there was no use of pursuing this line of inquiry, and so confined his further questions as to whether the witness intended to practise any deceit upon the plaintiff, which he said he did not. The trial will be resumed this morning.

INDICTMENTS NOLLE PROSSED.

The accumulation of indictments lying over or pigeon-holed in the United States District Attorney's office, dating back, some of them, from 1872, have been summarily swept into the official waste basket. An examination into the records of the criminal branch by General Foster unearthed a number of old indictments against parties whom it was discovered could never be brought to trial with a prospect of conviction, in consequence of the impossibility of summoning the necessary witnesses in some cases and in others for want of sufficient evidence on which to go to a trial. General Foster, therefore, on the opening of the United States Circuit Court yesterday by Judge Benedict, moved that the indictments against the several persons named below be finally disposed of by nolle prosequi. The reasons for his motion having been succinctly stated by the government prosecutor, Judge Benedict directed that nolle prosequi be entered in the following cases:—

Counterfeiting—George Morris, Frederick Hillman, Henry Waneke, John Renken and James Sweeney.

Post Office offences—William J. Getty, Charles E. Duggan, Isaac S. Lunnigan, Charles Wolgens, William Robinson, J. W. Wright, G. E. Brinkerhoff, John Purser, J. B. Sipes, T. R. Collender, F. F. Gleason and M. J. Collins.

Miscellaneous—Samuel F. Fenn, Alexander Reynolds, R. B. Caldwell, John Tenny, Benjamin Littleton, J. Nelson Luckey, Lewis Sylvester, Peter Edwald, David Herring, Owen Gannon, James Eveling, Charles H. Purdy, Joseph Cisco, Daniel Montgomery, Henry P. Cooper, George A. Mason et al., John McGrath, Michael Peterson, William H. Wiegel, Edward Bennett, John Horn, Alexander Leaby, Manuel Sanchez, Frank W. Jones, Martin Churchill, Martinez Saco, Charles A. Austen, Alexander B. Babb, G. W. Selden, Charles Bailey, Stephen B. Babcock, Joseph Garbiese and Sigismund R. Mendel.

Cases in which the jury disagreed—Charles Callendar, Matthew Richardson, Robert Noak, Charles S. Sprague, Samuel R. Millard, Charles B. Meyer and Joshua D. Miner.

Defendants dead.—Hans Martens and Oscar Finch.

Undergoing sentence on conviction elsewhere.—Thomas Cordon.

THE ECLECTIC LIFE FUND.

The complications of the Eclectic Life Insurance Company and the proposed distribution of its assets in the hands of the Superintendent of Insurance have already been fully published in the HERALD. The final disposition of this mooted question was expected to have taken place yesterday in the Special Term of the Court of Common Pleas, before Judge Larremore, when there appeared about forty lawyers, including the Attorney General. It seems, however, that Judge Van Hoesen has under consideration the exceptions to the report of the referee, and this condition of the case was made the subject of numerous confused statements of several lawyers to whom the Judge appealed for information. The Attorney General said he was confused about the matter himself, and could not exactly understand the position. He understood that the receiver tried to get this fund, and it was found upon appeal that the receiver had no right to the fund. Thereupon some one applied to the Legislature for the passage of an act to get the fund paid over. The Superintendent of Insurance refused to pay it over. No application as to the distribution of the fund has been made by the Attorney General. He said, further, that he thought that if he should apply to the Superintendent the latter would be willing to distribute the fund to the policy-holders. He was willing, he said, to do this. What the superintendent desired to do was to distribute the fund with as little expense as possible. He was not willing that the receiver should distribute the fund, because it would be so expensive, nor was he willing that he should have any of the fund until the policy holders had been paid. Judge Larremore said that the only question before him was as to whether Judge Van Hoesen had made any disposition of the exceptions before him. Until he knew whether he had or not he would be obliged to adjourn the application. After further discussion between counsel the matter was finally adjourned until Thursday week before Judge Van Hoesen.

QUEER LIFE INSURANCE SUIT.

A very queer suit Judge Barrett pronounced it when the case first came before him, although he afterward conceded that the plaintiff showed clear equities. This suit is one brought by Mrs. Rachel J. Ainsworth against William W. Backus to recover upon a policy of insurance for $1,750 upon the life of her husband taken out in the New York Life Insurance Company. The policy was taken out in 1857, the annual premium being $50 75. She says in her complaint that the defendant for valuable consideration agreed to pay the premiums, and that he did so until 1867, when he ceased payments, thus causing the policy to lapse. She sues for the full amount of the policy. In his answer Mr. Backus states that the valuable consideration was a promise of sixty per cent of the premiums in notes, which never were paid, with the understanding that he should receive, on payment of the policy, forty per cent of the amount; that he did pay the premiums for ten years, when he ceased payment on account of Mrs. Ainsworth and her husband being divorced, when he concluded there was no use paying any more money, as it was not likely to prove remunerative to him. The case has already been tried twice, a verdict for $103 19 being given for the plaintiff in the first suit and for $502 24 for her in the second suit. The case came up yesterday in Supreme Court, General Term, on appeal from this last verdict. It was contended that Mr. Backus having paid over $500 in premiums, with no possible show of getting his money back, had suffered pecuniarily as much as he ought to; that the plaintiff had not paid a cent or lost a cent, and further that it is against the general principles of law for a wife to traffic with a policy of insurance upon the life of her husband. These points were strongly combated by the plaintiff's counsel, and at the close of the argument the Court took the papers.

REGISTERED BOND FRAUDS.

The United States Marshal's detectives of this district have been for some time exercised over their failure in the arrest of the lawyer in this city charged with complicity in the registered bond frauds in Washington. The name of the suspected lawyer, which for official reasons was suppressed, turns out to be George S. Jenkins, a gentleman who represents himself as a prosecutor of claims against the government. He was first sought after on the discovery that Thomas A. Douglas, first clerk in the First Auditor's department at Washington, was in collusion with other parties to make money out of persons entitled to interest on registered bonds. The charge in this case is that Jenkins on the 17th of January last entered into a stipulation with Douglas by which he was to pay the latter $500 for giving him information from the books of the department of the names and addresses of parties to whom arrears were due on registered bonds. On this information Jenkins was to act—in his capacity as prosecutor of claims against the government—on behalf of as many claimants as he might induce to employ him. The operations of Douglas in this connection were discovered, and he was arrested some time ago in Washington, and soon after a warrant was issued for the arrest of Jackson. Detectives Crowley and Harris encountered the object of their long search on Monday evening last in front of the Astor House and immediately took him into custody. Mr. Jenkins was not surprised at the arrest, but declared that if the detectives had really any interest in his arrest they might have found him any day since January last at his place of business. Jenkins was yesterday taken before United States Commissioner Osborn and held for examination in $1,500 bail. The examination will take place this morning.

MEMENTO OF TOM FIELDS.

If in all the attachments against the property of Thomas C. Fields following his flight from this city, all the deputy sheriffs did as well as in the case of an execution issued upon a judgment for $5,217 04 obtained by Bancker & Quigg, several of them must have reaped golden harvests. This judgment was assigned by Bancker & Quigg to Jane Kerr, who assigned it to Elizabeth H. Garrett. When the latter found that out of the judgment there was only to be paid to her $2,297 24, the remainder, amounting to $2,616 59, being retained by the Deputy Sheriff, she thought this was not dealing exactly on the square, and she brought suit for the sum thus retained, minus the legal charges. The answer put in by ex-Sheriff Brennan, he being Sheriff at the time, was that he collected $6,114 04 upon this attachment and another upon a judgment obtained by Frederick H. Greer for $557 58, and that he retained $1,000 to pay the latter judgment, the residue retained being for expenses, footing up $1,616 59. Judge Van Brunt, before whom the case was tried, gave his decision yesterday sustaining the charges in the bill, but allowing to the plaintiff the balance of the $1,000 not required to pay the Greer judgment. Mrs. Garrett has not a very good opinion of the law.

GENERAL SICKLES' SUIT.

General Daniel E. Sickles appeared in the Special Term of the Court of Common Pleas yesterday, accompanied by his counsel, who moved to open the default taken against the General, in the suit brought against him by Clayton Belknap to recover $1,000, alleged to have been loaned to him during the war, but which the defendant avows was a patriotic contribution to the Excelsior Brigade, which General Sickles commanded at the time. Judge J. F. Daly made an order in the case that General Sickles should make his answer more definite and certain, which order not being complied with a default was taken. It was argued for the defendant yesterday that his non-appearance upon that motion was occasioned by a misapprehension as to the date. It was contended on the other hand that the General must suffer the consequences of his own neglect. After a short discussion Judge Lawrence took the papers, reserving his decision.

SUMMARY OF LAW CASES.

Judge Robinson, of the Court of Common Pleas, yesterday rendered a decision discharging the attachment against Otto Myer, the lawyer against whom charges of unprofessional conduct were preferred. He holds that the evidence of Myer's clerk is not to be believed and that his unsupported testimony is not sufficient to convict Myer of any improper conduct.

In the suit of David H. King, Jr., vs. David H. King, which was brought for the appointment of a receiver to protect a reversionary estate and to compel the payment of taxes in arrears on certain property in this city, Judge Freedman yesterday gave a decision granting the application.

Martha A. Conover and another have brought a suit against John T. Conover, administrator of Gustavus Conover, and others, for the appointment of a receiver of the estate of the deceased. The claim is that the defendant failed to invest the trust estate in the manner advised by the will, but has some $40,000 invested in his own private business. The defendants say that certain Masonic bonds were deposited as security. Judge Freedman yesterday rendered a decision appointing a receiver.

An heirloom in the courts appears to be the famous plumbing bill of ex-Congressman Morgan Jones. Tired of fighting the city for his money, he finally assigned the claim to Francis Sheridan. The case came up for argument yesterday before the Supreme Court, General Term, when the Court took the papers.

The result of the examination of candidates for the Bar by the Examining Committee, ex-Governor Salomon, Everett P. Wheeler and F. R. Meade, announced yesterday, shows that ten out of fourteen examined passed muster. The following are the names of the fortunate young gentlemen:—Henry Schmidt, Marcus Newburg, Byron A. Cohen, John Thine Easton, John Delahunty, Thomas Johnson Purdy, John Mulhall, Jr., Edwin C. Mott, Christopher Columbus Flecke, William Quale, Jr., and Frank V. Brier. The committee specially commended Delahunty and Schmidt. The Committee on Character, comprising Messrs. Fred. R. Coudert, John R. Dos Passos and L. B. Arnold, Jr., will make their examination to-day, and the candidates successful in passing this second ordeal will to-morrow be sworn in by the Supreme Court, General Term, as embryo lawyers.

DECISIONS.

SUPREME COURT—CHAMBERS.

By Judge Lawrence.

Gregory vs. Kopper.—As it appears by the affidavit of Mr. Husted that the act alluded to in the morning papers has passed the Senate and Assembly, has been approved of by the Governor and has therefore become a law, the application to postpone the sale for a reasonable time be granted. It is accordingly postponed until April 17, 1877, on condition that the defendants pay before twelve o'clock, noon, of the 27th inst., the printers' fees to be incurred by such adjournment, the referee's fees and charges and $10 cost of motion.

Matter of Morris.—The order is proper and will be granted, but under the decision of the Court of Appeals, in Rensselear and Saratoga Railroad Company vs. Davis, I am precluded from making the allowance asked for.

Duffield vs. Horton.—Cannot grant stay.

Perault vs. Rand.—Memorandum for counsel.

Miller vs. Miller; in the matter of Aldrich, &c.; Gawtry vs. Flynn; Eleventh Ward Bank vs. Davenport; matter of Lawrence.—Granted.

Arnold vs. Duncan.—I will change the return day in this motion to the 28th inst., at half-past eleven A. M., and will then hear the motion on its merits.

Tallman vs. Gillen.—I have made no order about double costs.

SUPERIOR COURT—SPECIAL TERM.

By Judge Freedman.

Weed vs. Gallagher.—Motion granted.

Curran vs. McIntyre.—Findings settled.

Patrick Singleton vs. Johanna Singleton.—Findings settled. Judgment of divorce in favor of plaintiff.

King, Jr., vs. King.—Plaintiff's motion for the appointment of a receiver granted. Opinion.

Conover et al. vs. Conover et al.—Plaintiff's application for the appointment of a receiver during the pending of action granted. Opinion.

Farrell vs. Van Tuyl et al.—The papers show no excuse for plaintiff's failure to give an undertaking within thirty days already granted to him. Motion denied, with $10 costs.

Postley vs. Dickel; White et al. vs. Talmadge; The National Butchers and Drovers' Bank vs. Mills et al.—Orders granted.

By Chief Justice Curtis.

Potts vs. Mayer, &c.—Defendant's proposed case and amendments settled.

COMMON PLEAS—CHAMBERS.

By Judge Larremore.

Wyse vs. Koppel.—Judgment debtor must have notice of the application.

Duncan vs. Baierlein; Sutton vs. Horn, and Hyatt vs. Windolph.—Motions granted.

Pope vs. Cavanagh; matter of Herman, and matter of Jamieson.—Applications granted.

By Judge Robinson.

Bangs vs. The Ocean National Bank.—Motion denied. See memorandum.

Allen vs. Meyer.—Attachment discharged, with costs. See memorandum.

Agate vs. Lowenbein.—Amendment to case allowed, with addition stated. See memorandum.

MARINE COURT—CHAMBERS.

By Judge McAdam.

Buggeman vs. Coomes.—Default opened on payment within five days of $10 term fee and $10 costs of motion and action; to be tried April 5, 1877.

Taylor vs. Hirsch.—Default opened on payment of $12 costs within three days, and action to be tried on the 30th inst. Judgment and levy to stand as security.

Schafer vs. Kohn.—Motion to open default denied.

Howell vs. Behring.—Motion for reference denied.

Lynn vs. French; Gannon vs. Moran; Hopkins vs. Fisher; Walter vs. Coghlan; Hall vs. New York Attrition Company; Grossman vs. Links.—Motions granted.

Brusky vs. Hoffman.—Complaint dismissed.

Hetherton vs. Grant.—Order vacated.

Grayton vs. Seibrecht; Catlin vs. Kohl.—Defaults.

Whitehall vs. Condit.—Motion denied.

Ward vs. Terry.—Sheriffs taxed at $34 23.

Averill vs. Stackpole.—G. Unangst appointed receiver.

Green vs. Wilson.—D. Becker appointed receiver.

Rexroth vs. Dinkelman.—Judgment for plaintiff.

Pierce vs. Emanuel.—Stay vacated.

The Union Savings Bank of East Pennsylvania vs. Louis; Muller vs. Clare; Hetherington vs. Grant; Clement vs. Moran; Abels vs. Long; Frederick vs. Holstein Prestoc; Cohn vs. Fargeon; Anson vs. Colter; Honig vs. Mills; Eastburn vs. The Third Avenue Railroad Company; Alexander vs. Levishen; Teague vs. Post; Rosenberger vs. Fargue; Slattery vs. Rice; Kaufulan vs. Michel; Paret vs. Kinard; Isaacs vs. The Board of Education.—Orders granted.

GENERAL SESSIONS—PART 1.

Before Judge Sutherland.

"JIMMY THE KID."

Thomas Churchill, a sailor's boarding house keeper, living at No. 96 Cherry street, left his home on the night of the 21st of October, 1875, and was robbed of his gold watch and chain, valued at $225. Despite a vigorous search the property could not be recovered, and it was given up as lost. Churchill died in August, 1876. Soon after Captain O. Murray was assigned to the Fourth precinct; there was arrested the notorious Jack Roberts, who was sent to State Prison for twenty years. The Captain, in the course of conversation with Roberts, ascertained that the gold watch which had two years previously so much exercised the police was stolen from Churchill by one James O'Donnell, alias "Jimmy the Kid," who sold it to Roberts for $50. Roberts made a present of it to his brother Charles, who resides at Poughkeepsie, from whom Captain Murray recovered it and produced it in court. O'Donnell was arrested and arraigned for trial yesterday by Assistant District Attorney Bell. The widow of Mr. Churchill, Captain Murray and other witnesses were examined as to the facts of the case, and the jury promptly found the prisoner guilty. Judge Sutherland sentenced him to four years in the State Prison.

FAILURE OF A SECOND ATTEMPT.

The warehouse at Nos. 22 and 24 New Church street was broken into by burglars on the 14th inst. for the second time, although no property was carried off, the burglary having been promptly discovered. H. W. Starling and Edward Malone, said to be two members of a gang of thieves that loiter on Greenwich street, were arrested. Malone pleaded guilty and was sent to the State Prison for two years. Starling preferred to stand a trial and the jury acquitted him.

STEALING JEWELRY.

George Brown and John Wilson, two thieves, broke into the residence of William H. Hurlburt, No. 25 East Twenty-seventh street, and carried off diamonds and other jewelry valued at over $500. The prisoners pleaded guilty and they were sentenced, each, for five years to State Prison.

GENERAL SESSIONS—PART 2.

Before Judge Gildersleeve.

THE DIAMOND ROBBERY.

At the sitting of this Court yesterday ex-Judge George M. Curtis resumed his address on behalf of William F. C. McCarty, on trial on the charge of larceny in having stolen $15,000 worth of diamonds, the property of C. V. Hand, on the 27th of January. Counsel reviewed the evidence at length, contending in emphatic terms that all the facts that had been adduced clearly pointed to a conspiracy, of which the prisoner was made the victim. He said nothing had been established against his character, and that, in view of all the evidence, he was entitled to an acquittal. After the usual recess Assistant District Attorney Lyon addressed the jury on behalf of the prosecution. He analyzed the evidence very carefully from the time that McCarty undertook to procure the loan on Hand's diamonds to their disappearance, and earnestly submitted that it was proven beyond a doubt that the prisoner entered into a plot with Thompson and Halstead to steal the property. He called attention to what he considered the many discrepancies in McCarty's evidence, and alluded to the evidence of the porter of the Belmont Hotel, who testified before the magistrate that the prisoner was there on the morning of the 27th in company with Thompson, although the accused stated he was then at home. The counsel ridiculed the prisoner's claims to property in Texas and his negotiations with firms in London. Mr. Lyon will resume his address this morning.

A MUSICAL COMPOSER'S TROUBLE.

George Price, a negro, who was tried and convicted some days ago of stealing $54 from Ferdinand Straus, a musical composer, living at No. 426 Sixth avenue, in a disreputable negro den in West Twenty-fifth street, on the night of the 2d inst., was brought up yesterday for sentence. He was sent to the State Prison for four years.

COURT CALENDARS—THIS DAY.

SUPREME COURT—CHAMBERS—Held by Judge Lawrence.—Nos. 48, 51, 90, 96, 131, 151, 176, 180, 190, 191, 193, 198, 208, 210, 224, 227, 240, 249, 264, 265, 266, 269, 270, 276, 278, 280, 282, 283, 284, 285, 286, 287.

SUPREME COURT—GENERAL TERM—Held by Judges Davis, Brady and Daniels.—Nos. 57½, 104, 83½, 93, 107, 107½, 139, 140, 150, 57, 112, 155, 156, 84, 158, 159, 160, 161, 162, 163.

SUPREME COURT—CIRCUIT—Part 1—Held by Judge Barrett.—Nos. 2099, 1657, 2913, 3785, 1583, 3679, 3205, 3127, 2895, 2719, 3103, 3153, 3155, 3157, 4391, 3173, 1351, 155, 2826, 3261, 3263, 3267, 3269, 3271, 3273. Part 2—Held by Judge Donohue.—Nos. 2736, 1341, 3582, 1810, 2098, 2134, 3941, 2108, 2220, 2136, 2252, 2256, 2268, 338, 2288, 2292, 2296, 2354, 2384, 2402, 2406, 1398, 2430, 2442, 2444, 2488, 2510, 2496, 2572, 2582, 2590, 2592, 2598, 2600, 2604, 2608, 2612, 2616, 2618, 2624, 2626, 2628, 2630, 2634, 2638, 2640, 2642, 2644, 2648, 2658, 2660. Part 3.—Adjourned for the term.

SUPREME COURT—SPECIAL TERM—Held by Judge Van Brunt.—No day calendar.

SUPERIOR COURT—TRIAL TERM—Part 1—Held by Judge Van Vorst.—Case on, Gilman vs. Stevens. No day calendar.

SUPERIOR COURT, SPECIAL TERM, AND COMMON PLEAS, EQUITY TERM.—No day calendar.

COMMON PLEAS—TRIAL TERM—Part 1—Held by Judge Robinson.—Nos. 1342, 1223, 352, 892, 1103, 1209, 966, 715, 1105, 274.

Superior Court, General Term; Superior Court, Trial Term, Parts 2 and 3; Common Pleas, General Term; Common Pleas, Trial Term, Parts 2 and 3, and Marine Court, Trial Term, Part 1—Adjourned for the term.

MARINE COURT—TRIAL TERM—Part 2—Held by Judge Goepp.—Nos. 9199, 1788, 5847, 4562, 7520, 6121, 5528, 7645, 4043, 4061, 5188, 5835, 6778, 5890, 9105, 9119, 6966, 6962, 5239, 5456, 2790. Part 3—Held by Judge Shea.—Case on, No. 2720; Reuben vs. The Brewers and Maltsters' Insurance Company. No day calendar.

COURT OF GENERAL SESSIONS—Part 1—Held by Judge Sutherland.—The People vs. Owen Carroll, burglary; Same vs. James Smith, grand larceny; Same vs. Roco Zariels, felonious assault and battery; Same vs. Joseph Torro, felonious assault and battery; Same vs. Joseph Marony, felonious assault and battery; Same vs. Henry Bernstein, felonious assault and battery; Same vs. Joseph Jewell, gambling. Part 2—Held by Judge Gildersleeve.—The People vs. William F. C. McCarthy, grand larceny (continued).

COURT OF APPEALS.

ALBANY, March 27, 1877.

The following motions were heard to-day:—

No. 166. David Augsbury, appellant, vs. George W. Flower—Motion for reargument.—Submitted.

No. 451. Frederick D. Story, respondent, vs. Samuel N. Coleman appellant—Motion to dismiss appeal.—Argued by L. A. Gould for respondent, John E. Develin for appellant.—Motion denied, with $10 costs.

Following appeals from orders were heard:—

No. 441. National Broadway Bank, respondent, vs. George Miller, appellant.—Argued by Rufus W. Peckham for appellant; William Hildred Field for respondent.

No. 385. Jeremiah Devlin and another of respondents vs. John S. Devlin, appellant.—Argued by Walter Edwards, Jr., for appellant; John E. Devlin for respondents.

No. 436. In the matter of the President, &c., of the Delaware and Hudson Canal Company, appellant, to acquire land, &c., of John P. Adams, respondent.—Argued by Mr. Tanner for appellant; James S. Spencer for respondent.

No. 444. The People ex rel. Cloe Ann Warren, executrix, &c., respondent, vs. George W. Schuyler, auditor, &c.—Argued by E. W. Paige, Deputy Attorney General, for appellant; Eugene Burningame for respondents.

DECISIONS.

Newton vs. Porter; Durant vs. Abendroth; Mayer vs. Friedman; Twombly vs. The Central Park, North and East River Railroad; Greves vs. Gaege, Fischer vs. The Hope Mutual Insurance Company; Evans vs. The City of Utica.—Judgment affirmed, with costs.

The Board of Commissioners of Excise of Westchester county vs. Curley.—Judgment reversed and judgment ordered for defendant, with costs.

Prince vs. Conner (Sheriff).—Judgment reversed and a new trial granted; costs to abide event.

The People vs. Smith.—Judgment of the Supreme Court reversed and that of the General Sessions affirmed.

Cohen vs. The Dry Dock, East Broadway, &c., Railroad Company.—Order affirmed and judgment absolute for the plaintiff on stipulation, with costs.

Kennedy vs. Orr.—Appeal dismissed, with costs.

The Union Consolidated Mining Company of Tennessee vs. Rahl.—Motion for reargument denied, with $10 costs.

GENERAL CALENDAR.

No. 181.—Charles Harrison, survivor, &c., respondent, vs. Andrew J. Wilkin, impleaded, &c., appellant.—Argument resumed and concluded.

DAY CALENDAR.

The following is the day calendar for Wednesday, March 28:—Nos. 240, 255, 226, 244, 256, 260, 261, 264.

UNITED STATES SUPREME COURT.

WASHINGTON, March 27, 1877.

The following case was argued in the United States Supreme Court yesterday:—

No. 93. Corcoran et al. vs. Chesapeake and Ohio Canal Company.—Appeal from the Supreme Court of the District of Columbia.—This was an action by W. W. Corcoran, in behalf of himself and others, to enforce the trusts of a deed executed by the company to secure preferred construction bonds. The principal questions of law arising are whether a mortgage upon the revenues of the company to secure coupon bonds and interest thereon secures the interest accruing on the overdue coupons, as well as the face of the coupons, and whether the case is res judicata in consequence of certain decisions of the questions in proceedings in the Maryland courts. The decision below was to dismiss the bill. It is here contended that it was the money of these bondholders which extended the canal to the coal regions and made it of any value whatever, and that as no interest was paid from 1852 to 1868 this amount of interest is secured by the deed of the same as the face of the coupons. Joseph Bryon, Conway Robinson and Carlisle & McPherson for appellants; J. P. Poe and Richard Carter for the company.

PROTECTION FROM DOGS.

ANOTHER PROPOSED ORDINANCE OF THE COMMON COUNCIL.

The Law Committee of the Board of Aldermen yesterday presented another ordinance relative to the dog nuisance. This ordinance provides that "it shall not be lawful to permit any dog to go about loose or at large in any of the public streets, lanes, alleys, highways, parks or places within the corporate limits of the city under a penalty of $3 for each offence, to be recovered against the owner, possessor or person who so harbored said dog within three days previous to the time of such dog being so found going abroad, loose or at large." The Corporation Attorney is authorized, on the request of the Police Commissioners, to recover all penalties under the ordinance. When dogs are permitted to go abroad the owner must control them by a cord or chain not more than six feet long. The Permit Bureau is empowered to issue permits for every dog at $2 each, which may be renewed every year afterward at an expense of $1. The licensed dogs must wear a collar with a metal tag attached, upon which shall be inscribed the number of such license. Every dog found without a collar and tag "shall be captured the same as if no license was granted." Provision is also made for the appointment of dog catchers by the Mayor. Any of these officials who shall permit any person to take one or more dogs from him for nothing or for pay shall be arrested and taken before a police justice and fined not less than $10 nor more than $50 for each offence. After an imprisonment of forty-eight hours all captured dogs are to be killed if not reclaimed before the expiration of that time.

No action was taken upon the ordinance at yesterday's meeting.

REMOVE THE STATE CAPITAL.

ALDERMEN ANXIOUS TO HAVE THE LEGISLATURE IN NEW YORK.

On motion of Alderman Morris, the following preamble and resolution relative to the State Capital were passed yesterday:—

Whereas the Legislature has now before it a bill providing for the removal of the State Capital buildings from Albany to this city; and whereas this, the great metropolis of the Empire State, judged by its location and its many great commercial advantages, is the proper place for the same; therefore, be it

Resolved, That this Common Council, in behalf of the citizens of the city of New York and for themselves, do request His Honor the Mayor to urge the Sinking Fund Commissioners to tender, on behalf of this city, sufficient ground in Washington Park or Square, or any other property owned by the city, to be at the option of the State authorities, as a site for the erection of the State Capital buildings, and said Commissioners are hereby respectfully requested and directed to use all honorable means before the Legislature now in session to carry the resolution into effect.

MUNICIPAL NOTES.

The petition of Martin Ibrouskie, the trustee of St. John's College, and other property owners in the annexed district against the building of the Millbrook sewer and in favor of retaining the power of authorizing such work in the Common Council, will be transmitted to the Legislature.

Corporation Counsel Whitney has drafted a bill for the consideration of the Legislature providing for the appointment of a fifth member of the Board of Apportionment, who must be a tax-payer.

Alderman Morris has introduced a resolution into the Board providing that hereafter metal plates, perforated with requisite letters, be used on the lamps in designating names of streets, instead of painting them as at present.

The Aldermanic resolution designating the Dikeman homestead as a public Pound has been rescinded.

On motion of Mr. Shells the Board of Aldermen have given directions as to compelling the railroad companies to repair the streets between their tracks.

Mr. Abram Wakeman has petitioned the Common Council for the establishment of a ferry from Sixty-fifth street to Long Island.

REAL ESTATE.

The following parcels were sold yesterday at the Real Estate Exchange, No. 111 Broadway. These constitute the sales of the day, with the exception of the real estate sold by the receiver of the Ocean National Bank, details of which will be found elsewhere:—

BY WOOD & MOISE.

George P. Smith referee, foreclosure sale of house, with lot 20.5x75, Madison av., s. e. corner of 67th st., to Russell Sage, for $19,500

BY E. H. LUDLOW & CO.

Surrogate's sale of the two story basement frame house, with lot 25x100.10, No. 328 East 117th st., s. s. 350 ft. e. of 2d av., to Laurance Ash, for 2,250

BY R. V. HARNETT.

W. V. McDaniel referee, foreclosure sale of a house, with lot 16.8x74.6, n. s. of West 48th st., 283.4 ft. w. of 11th av., to the Hamilton Fire Insurance Company (plaintiffs), for 2,200

Similar sale, George S. Sedgwick referee, of two lots, each 25x100.5, n. s. of East 59th st., 100 ft. e. of 1st av.; to Rosalie E. Barry, plaintiff, for 7,000

BY D. M. BEAMAN.

Public auction sale of the three story and basement brick house, with lot, 20.3x47, No. 259 West 11th st., n. s., 39.9 ft. w. of 4th st.; to J. Pangborn, for. 13,000

BY M. A. J. LYNCH & SON.

Horatio Bogart referee, foreclosure sale of leasehold property, five story building, No. 62 Ann st.; the lease to run 21 years from May 1, 1875, at a ground rental of $550 per year; to Cook & Radley, for 7,850

Similar sale, same referee, of No. 60 Ann st., five story iron front and brick building, leasehold property; to Reformed Dutch Church, plaintiffs for 7,840

Similar sale, same referee, of the leasehold of No. 109 Fulton st., a five story brick building and store, with 21 years' lease of lot, 19.11x66, n. s., 83 ft. w. of William st.; to Michael Maloney, second mortgagee, for 11,440

Total sales for the day $71,130

TRANSFERS.

3d av. (No. 834), ¼ part of; Jesse W. Overhulse to Augustus Glaser 2,000

3d av. (No. 834), ¼ part of; Augustus Glaser and wife to Mary A. Overhulse 2,000

3d st., n. s., 245 ft. e. of 2d av., 20x90.2½; Samuel H. Johnson and wife to Edwin H. Hogardus 12,000

Franklin av., 42½x185 (23d ward); William F. Rehfeld to Patrick K. Donohue 3,300

Broadway, n. w. corner of Duane st., 75x100.5, ½ part of; Julius F. Van Meerbeke and wife to Helen J. Ryerson 1,000

5th av., n. e. corner of 133d st., 24.11x100; also 5th av., e. s., 24.11 ft. n. of 133d st., 75x100; Matthias B. Valentine to Edward J. Valentine 8,500

43d st., n. s., 105.6 ft. e. of Broadway, 20x100.5; Hannah Hixson to Lavinia A. Hoagland (Branch Railroad, e. of 23d ward, 100x100.5 (23d ward); Dennis Campen to Joseph Caretsser ..... Nom.

64th st., n. s., 80 ft. w. of Lexington av., 100x100.5; also 64th st., n. s., 260 ft. w. of Lexington av., 20x100.5; Daniel A. McColl to George Moore 3,500

62d st., s. s., 100 ft. w. of 3d av., 20x100.5; Thomas Geary and wife to Caroline Lichtenberg ..... Nom.

2d av., s. w. corner 117th st., 58.5x90; Isabella W. Johnson and husband to Margaret L. Pope 14,140

Broadway, e. s., to Crosby st.; also Crosby st., w. s., 75x80.6; also Broadway, e. s., No. 44; also Crosby st., No. 10; also Howard st., No. 34; also Howard st., No. 29; Jas. B. Matthews and wife to Edward Matthews 9,000

Same property; Edward Matthews and wife to Henry J. Furber 502,500

Same property; Henry J. Furber and wife to Charter Oak Life Insurance Company 502,500

39th st., s. s. 112.10 ft. e. of 3d av., 12x98.9; Elizabeth J. Smith to Robert Edwards 502,500

17th st., s. s., 80 ft. w. of 1st av., 46x20; R. McCafferty (referee) to Eliza Jane 8,700

MORTGAGES.

Ashman, Amaziah L., to Lemuel Valentine, s. e. corner of Broadway and 8th st.; 5 years 5,000

Diehl, Catherine and husband, to Silas H. Jessup, Terrace place, (23d ward) 10,000

Ditchett, George W. and wife, to George H. Purser, n. s. of Boston road, (23d ward); 3 years 3,140

Donhare, Patrick K., to William F. Rehfeld, n. s. of Franklin av., (23d ward); 5 years 950

Edwards, Robert, to Elizabeth J. Smith, s. s. of 39th st., between 2d and 3d avs.; 3 years 1,500

Gallagher, James, to Duane S. Everson, n. s. of 58th st., w. of av. A; 3 years 4,000

Gutman, Lida C. and husband, to John Carey, n. s. of 46th st., w. of Lexington av.; 3 years 1,500

Harper, Sylvester and wife, to Margaret Harper, s. s. of 50th st., e. of 2d av.; 3 years 7,000

Leodesdorf, Rebecca and husband, to Samuel Corn, n. s. Mitchell place; 6 months 1,000

Martin, Peter and wife, to F. and W. Ebling, n. s. of 56th st., e. of 2d av.; demand .....