THE COURTS.

Alleged Illegal Usurpation of a Ferry Franchise.

DEXTER WINNING A LEGAL RACE.

Mrs. O'Neill's Persistent Search for Her Husband.

The city applied for an injunction some time since restraining the Harlem and New York Navigation Company from running a ferry between Astoria and this city. The case came up for argument yesterday in Supreme Court, Chambers, before Judge Van Brunt. Judge McGown, who appeared on behalf of the company, made a lengthy and elaborate argument in opposition to the application. According to his statement of the case the defendant's company was organized in 1856 for the purpose of carrying the residents of Harlem to the lower part of the city by steamboat, at cheaper rates than was then being done, the residents of Harlem at that time being obliged to take a stage to Yorkville and thence go down town by the Third Avenue Railroad cars. Meantime Astoria became quite thickly settled with mechanics, clerks and others, working and doing business in New York. The line of steamboats took in Astoria in its route, and at present starting from 130th street makes three other landings at 120th, 109th and 111th streets, its lower terminus being Peck slip. He claimed that the company was not running a ferry line, but simply ran its boats up and down the East River, making various landings, and that an injunction might as well be asked for to prohibit steamers running up the North River and making various landings from making such stops without first obtaining a ferry franchise from the city. He cited Dongan's charter and other authorities in support of his side of the case. Corporation Counsel Whitney on behalf of the city contended that the right to establish a ferry line which belonged to the city carried with it the right to prevent the establishment of ferry routes without the city's consent. He insisted that a recent decision given by the Superior Court, General Term, involving the same state of facts, was applicable to this case. Judge Van Brunt took the papers, reserving his decision, but allowing counsel to submit briefs in the meantime.

DEXTER'S DEXTEROUS DEFENCE.

Some time ago the firm of Ball & Ray, straw goods manufacturers, obtained an order of arrest against Henry H. Dexter, on the ground that Dexter had collected certain sums of money for the firm and failed to account for the same. Ira Leo Bamberger, defendant's attorney, moved to vacate the order of arrest on the insufficiency of the original affidavit, which motion, being denied, an appeal was taken to the General Term, which affirmed the order of the Special Term. The motion was then renewed on additional affidavits, in which it was claimed that the moneys alleged to have been collected were loaned to defendant by the firms of Plimpton, Fiske & Co., and J. W. Plimpton & Co., of Boston. Ex-Judge Hart, of counsel for defendant, presented the motion to the Court, in the argument of which a curious state of affairs was evolved. Dexter had previously to his arrest notified Ball & Ray of his intention to leave, whereupon Mr. Ray went to several firms with whom Dexter was negotiating and endeavored to injure defendant in his negotiations, by calling him a thief and defaming his character. Dexter thereupon procured an order of arrest against Ray, placing him under heavy bail and also commenced an action against the firm, claiming that he had sold about $250,000 worth of goods for them, on which there was a balance of $2,500 due him for commissions and that the firm had presented falsified accounts to him. Judge Van Hoesen yesterday vacated the order of arrest with costs, on defendant stipulating not to sue. Messrs. Hatch & Wilcoxen appeared for the plaintiff, and Messrs. Hart & Bamberger for the defendant.

MRS. O'NEILL'S ABSENT HUSBAND.

Mrs. James O'Neill seems to find it difficult to recover possession of her husband, James O'Neill. She as will be remembered, first claimed that her husband was in the custody of his father, Cornelius O'Neill. Upon a writ of habeas corpus being sued out the father denied knowing anything about the whereabouts of his son, and thereupon Mrs. O'Neill obtained a second writ of habeas corpus through her counsel, Mr. William F. Howe, directing Edward Quinn, of No. 234 East Seventy-fifth street, to produce her husband in Court, she claiming that her husband was detained at his house. Quinn made a return to the writ yesterday, stating that James O'Neill stayed at his house on the night of August 2, and left in the morning, saying that he was going to sea. Judge Van Brunt gave till to-day to traverse this return.

DIVORCE SUITS.

Alice Rowe charges her husband, E. J. Rowe, of No. 92 Chatham street, with cruelty and neglect, and seeks a limited divorce from him. He answers that these are imaginary charges by a religious fanatic, who neglects her family to attend religious matters. Mrs. M. Reilly, Mrs. Mary Devereux and Mrs. Ellen Devereux, sisters of Mrs. Rowe, support the husband's statement as to his kind treatment, and reference was yesterday ordered by Judge Larremore.

Jacob Abraham, of No. 1,036 Third avenue, is defendant in a suit by his wife, Mary, for divorce, for cruel and inhuman treatment. She alleges that he went so far as to throw her down stairs. Her husband denies these allegations, and retorts that the wife had pulled his hair, beaten him with a poker, scratched him, kicked him and finally abandoned him and cohabited with other men. The referee's report being in favor of the husband, Judge Larremore has granted him a divorce.

SUMMARY OF LAW CASES.

There was a further argument yesterday before Judge Van Brunt on a motion to vacate an attachment in the suit of W. S. Oliver against Montgomery Sibbs, the facts of which have been already published in the HERALD.

Peter Mullen was held yesterday by Commissioner Shields, charged with taking from the steamship Clyde $1 50 worth of cigarettes. Mullen, who is the purser of the Clyde, says he had permission from the Custom House inspector on the steamer to take the goods ashore.

Jennie Sharkai obtained yesterday from Judge Van Brunt a writ of habeas corpus directing the Society for the Prevention of Cruelty to Children to produce in Court her daughter, Rose Murphy Sharkai, ten years of age. Mrs. Sharkai says that she placed her child in the care of Henry Hinkel, who placed her in charge of the society, which now refuses to give her up.

Charles Becker was yesterday taken before Judge Van Brunt, in Supreme Court, Chambers, upon a writ of habeas corpus, through which an effort is being made to secure his release from jail. Becker is held in $7,000 in the civil suit to recover $6,000 paid on a forged check, purporting to have been drawn by the New York Life Insurance Company upon the Union Trust Company. It is claimed that there is really nothing against the prisoner, the only allegations against him being those of an alleged accomplice. Judge Van Brunt took the papers, reserving his decision.

J. T. McGowan, receiver of the Guardian Savings Institution, has been authorized by Judge Van Brunt to bring suit against Joseph J. O'Donohue for $24,000, alleged to have been paid him by the former receiver, Jeremiah Quinlan, out of assets belonging to the institution, Mr. O'Donohue being the surety of Mr. Quinlan and the claim being that the former knew the money thus paid comprised part of the assets.

Suit was commenced in the Supreme Court in September, 1872, by Albert H. Mathis against Henry E. Sharp, as surety for Nathaniel P. Sewell, lessee of a hotel at the corner of Broadway and Twenty-first street. Mr. Sharp died shortly afterward, when the suit was revived against Mrs. Ann Sharp, his widow and administratrix of his estate. After various delays an inquest was recently taken in the case, and a judgment directed against the defendant for some $5,000. A motion was made yesterday before Judge Van Brunt to open the default, and the same argued at some length by Messrs. Haskin & Stetano for the plaintiff and Michael Jacobs for the defendant. Judge Van Brunt took the papers.

DECISIONS.

SUPERIOR COURT—SPECIAL TERM.

By Judge Sanford.

Schuchman vs. Oswald.—Motion granted. Referred to Maurice Seyne, to take and receive accounts.

Taylor, receiver, &c., vs. Siren et al.—Motion granted, with $10 costs.

Cooper et al. vs. Longworth et al.—Motion denied, with $10 costs.

Hawks vs. Winans.—Sureties approved in justification.

Rubin vs. Sodekson.—Order granted and undertaking approved.

In the matter of Dorsey, &c.—Discharge granted.

Ettlinger vs. Stegmuller et al.—Order affirming taxation of costs.

Paul et al. vs. Ruck et al.—Order appointing Albert M. Schenck and Denton F. Connor receivers, &c.

Burnett vs. Snyder.—Order affirming taxation of costs.

Baum et al. vs. Otto et al.—Order discontinuing actions and cancelling lis pendens.

Davis vs. Bradley.—Writ of inquiry allowed.

Dolan vs. Stevens.—Order for bill of particulars.

White, &c., vs. Roberts.—Order removing cause to Circuit Court of the United States.

Nichols vs. Flanders.—Order for commission.

Lester vs. Long.—Motion to open default denied, with $10 costs.

Skinner vs. Skinner.—Reference ordered.

COMMON PLEAS—SPECIAL TERM.

By Judge Larremore.

Whitehead vs. Kennedy, &c.—Motion for leave to file supplemental answer granted, with costs to abide event.

Wiener, Jr., vs. Morange.—See memorandum of decision.

Kang vs. McCann and another.—See decision.

Rowe vs. Rowe.—Reference ordered to take proofs and report.

Tamsen vs. Dethless.—Permanent injunction ordered.

Wulfing vs. McCoy.—Injunction granted.

Abranams vs. Abrahams.—Report confirmed and decree of divorce ordered.

Rae vs. Harteau.—Resettlement of case ordered in accordance with the terms of respondent's notice.

In the matter of Dunn; in the matter of Glaser.—Applications granted.

In the matter of the assignment of Schmidt.—Bond approved and ordered to be filed.

By Judge Van Hoesen.

Josias vs. Bennett; Aspinwall vs. Balch.—Order signed.

Fox vs. Fox.—Injunction dissolved. See memorandum.

Alden vs. Neilson.—Motion to vacate order for examination of defendants denied. Examination will proceed on the third Monday of September at half-past ten A. M.

MARINE COURT—CHAMBERS.

By Judge Sinnott.

Becker vs. Parker.—The sureties discharged.

Rogers vs. Long.—Motion granted.

Strippel vs. White.—Receiver appointed.

Freese vs. Muller.—Order granted.

Fillmons vs. Dismound.—Order entered.

Rath vs. Schwartz.—Motion granted.

Shine vs. Fox.—Plaintiff has leave to serve reply nunc pro tunc.

By Judge Gospp.

Becker vs. Metropolitan Life Insurance Company.—Case settled. Papers with the Clerk.

GENERAL SESSIONS—PART 1.

Before Judge Sutherland.

TRUE TO THE LAST.

Sneak thieves paid a visit to the apartments of Henry Chapin, No. 24 Park place, and carried off a blue frock coat valued at $40. The loss was communicated to the Twenty-sixth precinct station house and Frank Kelly and Charles Watson were arrested. The two men were identified by a bootblack named Abraham Krowenberg as the parties whom he had seen enter the window of Chapin's office. The prisoners were arraigned for trial yesterday by Assistant District Attorney Herring, when Kelly earnestly insisted that Watson was innocent of the crime charged. So emphatic was he in his protestations that Judge Sutherland caused inquiries to be instituted which resulted in the corroboration of Kelly's statement. Watson was accordingly discharged and Kelly was sentenced to one year's imprisonment.

PLEAS AND SENTENCES.

On July 1 the store at No. 58 Hudson street was broken open and pillaged of clothing and jewelry valued at $100. Albert Burke and John Weigand, alias Meyers, were arrested on the charge, and Burke, pleading guilty, was sentenced to one year's imprisonment. There being no evidence implicating Weigand he was discharged.

Caroline D. Wilson, of No. 32 Beach street, had her pocket picked of $15 at the corner of Broadway and Canal street on the 19th of July last. James Murphy, of No. 455 West Sixteenth street, was arrested, and on being arraigned yesterday pleaded guilty and was sent to State Prison for one year and six months.

Victor Schoienberg, a groom, entered the stable of Richard M. Hoe, No. 504 Grand street, and stole harness and other property valued at $47. The property was subsequently found in his possession. He pleaded guilty and was sent to the State Prison for two years and six months.

William Lyons, of No. 429 East Sixteenth street, and Thomas Bracken, of No. 425 East Twelfth street, pleaded guilty to the charge of stealing a quantity of jewelry, the property of Mrs. Mary Bath, of No. 255 West Twenty-ninth street, and were sentenced each to one year's imprisonment.

DISORDERLY HOUSES.

Bench warrants were issued from the Court of General Sessions for the arrest of Morris Lippman, alias Littman, of No. 249 West Fifty-first street, Amelia Smith, of No. 47 West Twenty-ninth street, and Hattie Elliott, of No. 38 West Twenty-ninth street, on the charge of keeping disorderly houses. The warrants were placed in the hands of Captain Williams, who took the accused parties to the District Attorney's office yesterday. Norman Andrews, of No. 444 West Twenty-sixth street, went surety for Amelia Smith and Hattie Elliott in the sum of $500 each, and Jacob Cohn, of No. 345 West Twenty-eighth street, was the bondsman for Lippman in the sum of $2,000, all the prisoners named being held for trial.

COURT CALENDARS—THIS DAY.

SUPREME COURT—CHAMBERS—Held by Judge Van Brunt.—Nos. 46, 46, 51, 53, 80, 113, 128, 165, 185, 263, 267, 277, 279, 295, 304, 305, 309.

COURT OF GENERAL SESSIONS—Part 1—Held by Judge Sutherland.—The People vs. Charles Taylor, robbery; Same vs. Patrick Kelly, felonious assault and battery; Same vs. James O'Connor, felonious assault and battery; Same vs. Adam Ammiller, rape; Same vs. Richard Callahan, burglary; Same vs. Joseph McCann, burglary; Same vs. Daniel Brown, burglary; Same vs. Charles Brown, grand larceny; Same vs. Richard Murray and Annie Murray, grand larceny; Same vs. James Ahearn, grand larceny; Same vs. Andrew Draper, grand larceny; Same vs. Martin Burke, grand larceny; Same vs. Patrick Walsh, larceny from the person; Same vs. James Parker, petit larceny; Same vs. Theodore Stork, assault and battery; Same vs. William Kenny, grand larceny; Same vs. Samuel Bennett, larceny from the person; Same vs. Edward J. Dodge, forgery.

UNITED STATES SUPREME COURT.

WASHINGTON, August 9, 1877.

No. 197. John B. Crim, appellant, vs. John M. Handley et al.—Appeal from the Circuit Court of the United States for the Southern District of Georgia.—Courts of equity will not enjoin judgments at law, unless the complainant has an equitable defence to the cause of action of which he could not avail himself at law, because it did not amount to a legal defence, or where he had a good defence at law, of which he was prevented from availing himself of by fraud or accident, unmixed with negligence of himself or his agents. (Hendrickson vs. Hinckley, 17 How., 445.) Where a party has failed to make a proper defence through negligence a court of equity will not enjoin the judgment, but where it appears that such a defence has been prevented by fraud or accident, without fault of the losing party, a court of equity may grant relief if the proofs are satisfactory. (Hungerford vs. Gigerson, 20 Id., 161.) Sufficient appears to show that goods of great value were owned by the mercantile firm of J. W. Buffington and Co., and that they, on the 1st day of February, 1868, sold the same to the firm of King, Crim & Co., William Peeples, one of the old firm, entering the firm which made the purchase. Payment of the price was made at the time of purchase, less $4,591 64, for which the purchasing firm gave to the vendors four promissory notes, payable to the creditor, firm or bearer on the first days of April, May, June and July next ensuing, with interest. Debts of the old firm were still outstanding, for which Peeples, of the new firm, was liable, and for his security the four notes given by the new firm were deposited in the hands of a third person, with the understanding that the depositary was to hold the notes for that purpose, so that when the debts of the old firm were presented they might be paid by Peeples of the new firm, and in that event the amounts paid were to be credited on the notes in the hands of the depositary.

Subsisting liabilities of the old firm were presented for payment and were paid by Peeples, of the new firm, but the record shows that controversy arose respecting the same, and that the depositary of the notes refused to allow the credits to be made on the notes, pursuant to the original understanding. Instead of that he caused one of the notes to be put in suit to enforce payment of the same. Pending that suit the new firm brought a bill in equity against the depositary and the old firm to compel the respondents to carry the understanding into effect. What they prayed was that the payments thus made should be indorsed on those notes, and they also claimed a credit for worthless cottonseed sold to them when they purchased the stock of goods of the old firm.

Litigation ensued; but in the view taken of the case it will not be necessary to enter very fully into those details. Suits of garnishment were also instituted in behalf of the creditors of the old firm against the depositary of the notes, and during their pendency the notes were placed in the hands of certain attorneys with directions that the notes be put in suit in the name of the agent of the creditors prosecuting the suits of garnishment. Pursuant to those directions the agent, James M. Handley, on the 14th of April, 1873, sued the appellant and Peeples as surviving partners of the new firm which gave the notes, counting on those notes as indorsed against the makers.

Service was made and the defendants appeared and set up the following defences:—(1.) That they never promised. (2.) Payment before the suit was instituted. (3.) Payment to the payees and due notice to the indorsee and holder. (4.) That the notes were given for a stock of goods, part of which consisted of a lot of cottonseed, warranted sound, which proved to be unsound and worthless. (5.) Prior recovery against the defendants to the extent of their liability in the garnishment suits, and the full payment of the amount so recovered. (6.) Subsequent sale of the stock of goods to another firm for an amount greatly in excess of what was due on the notes, the purchasers, with the consent of the firm, agreeing to assume and pay what was unpaid on those notes. Peeples also filed a separate plea, in which he alleged that he had previously been adjudged a bankrupt.

The judgment being for the appellees, the appellant sought to have the execution enjoined on the ground that at the trial one of the witnesses was so afflicted with pain that he could not remember the facts as they were. The Court declined to interfere, and the decree is affirmed here.

Mr. Justice Clifford delivered the opinion.

WRONGING A SERVANT.

William Sinclair, Jr., a lawyer living at No. 133 East Eighty-seventh street, stood a prisoner yesterday in the Harlem Police Court. The complaint against him was preferred by Marion E. Walker, a domestic in his father's family. Marion swears that on the 16th July she received a draft for $46 08, drawn to her order on J. & J. Stuart & Co., bankers, of No. 33 Nassau street. She asked Mr. Sinclair to get the check cashed. The latter consented and wrote on the back, "Pay to William Sinclair," and asked Marion to sign her name underneath, which she did. On returning at night Sinclair told Marion that the bank required a few days before paying a draft. The girl felt no alarm, but after a week had passed and no money appeared she became uneasy and questioned Mr. Sinclair. Sinclair assured her that it was all right, but when Marion insisted upon an explanation he told her with a long countenance that the bank had failed and that her money was gone. Marion wrote to the baskers, whose address she had preserved. An answer came in due season to the effect that the draft had been duly honored and the money paid to Mr. Sinclair. Marion then applied to Justice Wheeler, who ordered the arrest of Sinclair. The accused waived an examination and was held in $1,000 bail to answer at the General Sessions.

QUARRELSOME TENANTS.

Early yesterday morning Officer Quigley, of the Tenth precinct, was called into the tenement house No. 195 Forsyth street, to quell a disturbance. He found Louisa Kempenthal lying on the floor, covered with blood, and a man standing over her with a revolver in his hand. The officer took the man by the shoulder and shoved him away, but about the same time he was attacked from behind and thrown to the floor. With the assistance of a brother officer he succeeded in arresting his assailants, William J. O'Gorman and Margaret Mackey, a powerful Irish woman. Each were held by Judge Kilbreth yesterday in $500 bail to answer.

ALVAREZ AND SAVIOR.

Manuel Alvarez and Bitoriano Savior arrived a few weeks ago from St. Domingo and hired rooms at No. 150 Wooster street. Shortly after their arrival Alvarez, at the instigation of Savior, caused the arrest of a boy employed in the house, whom he charged with stealing $90 in silver belonging to them. The boy was discharged, there being no evidence against him, and Alvarez subsequently discovered that the $90 in silver had been given to Agnes Morales, of No. 249 Elizabeth street, to keep for him, by Savior, and that she had drawn it afterward $10 at a time. On Alvarez's complaint Detective Dolan, of the Fifteenth precinct, arrested Savior on Wednesday. He was arraigned before Judge Wandell yesterday and both he and Alvarez claimed the money. His Honor decided to dismiss the complaint, as it seemed to him that one had as much right to it as the other.

A TELL-TALE LETTER.

On the night of the 6th of April Mr. Charles Van Tine, of No. 409 West Nineteenth street, was knocked down and robbed of a watch worth $50, by two men named Thomas Gibson and Henry Baker. Baker was arrested at the time, and was subsequently sentenced to three years and six months imprisonment, with hard labor. Gibson escaped to Philadelphia and remained there until a few weeks ago. On Tuesday Superintendent Walling received from the authorities at Sing Sing a letter which had been sent to Baker by Gibson, informing him of his movements after Baker's arrest and of his return to New York; also other information concerning their "pals." The letter was placed in Detective Kierns' hands, and on Wednesday night he arrested Gibson on the corner of Thirty-first street and Eighth avenue. He was arraigned before Judge Wandell yesterday and held in $1,000 bail to answer.

O'FARRELL'S GUESTS.

Dennis O'Farrell, of West Sixteenth street, whose den was raided on Wednesday night, was arraigned, with seven women, before Judge Wandell, at Jefferson Market Police Court yesterday morning, charged with disorderly conduct. O'Farrell was in a very shaky condition, and the women, five of whom were under twenty-five years of age, had their faces swollen and disfigured by cuts and bruises and seemed as if their last hope of leading a decent life had departed. The two older ones, who were fifty years of age and over, looked upon their arrest as a matter of course, and, when the Judge committed them, as well as the younger ones, to the Island for three months, walked out smiling. O'Farrell was held in $500 bail to answer at General Sessions.

THREE AGAINST ONE.

At an early hour yesterday morning, on Cedar street, near Temple, Joseph McGovern, a fireman of Engine Company No. 6, and three Frenchmen, Henry Scheffren, Nicholas Laux and John Laux, quarrelled. The Frenchmen beat McGovern and injured him so that the police had to remove him to the Chambers Street Hospital. The cause of the quarrel is unknown, but believed to be an old grudge. The Frenchmen are employed in a neighboring bakery. They were arrested and arraigned at the Tombs Police Court before Justice Smith, and committed without bail to await the result of McGovern's injuries, which are considered serious, but not dangerous.

DONAHUE, THE STRIKER.

At length there appears to be a faint chance of the release from Ludlow Street Jail of B. J. Donahue, the Erie Railway striker. Dr. E. P. Miller has signified his willingness to become one of the sureties on the bail bond. Mr. George H. Purser says he will put up $250 toward raising $2,000 necessary to make good the balance required. It is expected that other members of the "Bread Winners' League" will make up the balance. Meantime Sheriff Reilly has stated that on the requisite money being paid to him he will release Donahue.

THE GUNSER CASE.

Counsellor Kugleman's motion for the discharge, on writ of habeas corpus, of Michel, the barber, committed to await the action of the Grand Jury on the charge of murdering John Gunser, at East Williamsburg, was heard before County Judge Armstrong, in his Chambers, at Jamaica, at nine o'clock yesterday morning. There were two grounds for the motion—one, that the commitment was defective, in that it did not state when Michel was arrested and upon what charge, and that it did not appear that the prisoner had ever been arraigned to plead to any charge, and the other, that no evidence had been adduced at the examination to connect the prisoner with the crime for which he was arrested. An examination of the commitment papers by Judge Armstrong proved that the allegations in regard to it made by Mr. Kugleman were correct, and after some hesitation—there being no opposition to the motion by the District Attorney—the Judge concluded to admit Michel to bail in the sum of $1,000 to appear when wanted—Mr. Kugleman expressing himself as entirely satisfied with that arrangement. Bail was immediately procured the sureties being George Hausmann and Philip Kern, both of Middle Village, and Michel is now at liberty.

The Brooklyn Central office police, who were detailed last month to work up the mystery attending the murder of the saloon keeper, John Gunser, of East Williamsburg, express much indignation against the Queens county authorities and District Attorney Downing for having procured the release of Mrs. Appolina Gunser, her son and adopted daughter. They say they have given up all further work on the case, and do not desire to render any further professional service in that section of Long Island. The Brooklyn officers who were engaged on the case are Detectives George Zundt, Patrick Carr and Charles Frost.

CHARGED WITH PERJURY.

Frederick Otto, of North Bergen, N. J., recently went before Justice Crossman and swore that Henry Wendecker owed him a sum of money, and was about leaving New Jersey. A writ of attachment was issued, but Wendecker gave no sign of leaving the State. Yesterday Otto was arrested by Constable François, of West Hoboken, on a charge preferred against him by Wendecker that he had committed perjury. He was placed under $1,000 bonds to answer.

THE G. W. CHASE DISASTER.

Coroner Flanagan yesterday held an inquest in the case of Nicholas Musik, who was drowned by the collision of the steam yacht G. W. Chase with the steamer James M. Thompson, while towing the barge Oil City, on the evening of the 2d of August.

The jury was composed of yachtsmen and Deputy Chief Clerk W. H. Kipp, of the Police Department, was the foreman. The testimony showed that there were no lights on the barge, as demanded by law, and Captain Leonard, of the tug James M. Thompson, testified that as the yacht was coming down the river she was shouted to to look out for the barge, but no attention was paid to the warning. Mr. Chase, the owner of the steam yacht, swore that William Johnson, the lookout of the yacht, shouted to the tug to keep off, but no notice was taken. He said that there was no warning received from the tug.

Other witnesses testified in corroboration, and the jury returned a verdict "That Nicholas Musik came to his death by drowning by being run down on the night of August 2, 1877, while on board the steam launch G. W. Chase, by the barge Oil City, in tow of the steamer James M. Thompson, in charge of Captain Leonard, and the captain of said steamboat is guilty of negligence in not having the proper lights on said barge."

Musik was the engineer of the G. W. Chase.

The Coroner on this verdict held Captain Leonard in $2,000 bail, which was furnished by Charles Pratt, of the Astral Oil Works.

A MISSING MAN.

For the past two weeks diligent search by detectives and his wife has failed to discover the whereabouts of William Smith, a Scotchman, aged thirty-two, who left his home, No. 467 Sixth avenue, without any wardrobe save what he had upon his back. Smith was last seen by Mr. Spears, of the Banberry House.

BROOKLYN DEATH RATE.

There were 273 deaths in Brooklyn during the past week, being a decrease of eighty-two compared with the week previous. Of this number 163 were under five years of age.

TENEMENT HOUSES AND RAPID TRANSIT.

DREXEL BUILDING, WALL STREET, NEW YORK.

TO THE EDITOR OF THE HERALD:—

It has become evident to many of those persons who are interested in the well being of their fellow men in this great metropolis that the necessities of the tenement house population are, if not entirely overlooked, certainly greatly slighted by both the promoters and the enemies of rapid transit in their respective arguments and endeavors. New York has no occasion to pride itself on its tenement house institution, or on the unfortunate condition of their inmates.

In the April number of the *Penn Monthly* appeared a most excellent article, by Mr. Louis Blodgett, entitled, "A Building System for the Great Cities." At page 290 of this essay it is said:—"In 1865 the whole number of the tenement house inmates was 501,224, or nearly two-thirds of the entire population of New York, and that at this time there are 20,000 tenements with fully 500,000 occupants." When this appalling exhibition is considered, with its degrading results, and its fruits of death and crime stare the intelligent classes of New York daily in the face, it is amazing that rapid transit is not promoted with the energy of despair and from motives of kindly consideration.

The municipal authorities are, many of them, the direct representatives of the tenement population, and every neglect and impediment on their part of any feasible scheme of rapid transit should be attended by a penalty which is adequate to redress the wrong and to prevent a repetition. It is a recognized fact that the single house system, by which is meant a single dwelling for each family of working people, elevates the tone of the community, and the occupation of tenements by two or more families lowers it correspondingly. The proletariat in New York at one time in its history threatened to become the peer of the French Communists of the earlier revolution, and the appearance and expressions of the New York mob have been described by an eye witness as something appalling and of unparalleled ferocity. There are 30,000 people living in New York whose vocations are plied by night, and who are never seen in the fair light of its day. This is one of the products of the tenement house system, and it is being perpetuated and reinforced by the delays in rapid transit.

The remedy is to diffuse the populations over the waste lands adjacent to the city, and this can be only accomplished with rapid transit as an auxiliary. This plan of avoiding crowded tenements has been tried in other cities, notably in Philadelphia, with complete success, and it is no longer an experiment; its results, improvement in the social and moral conditions, are now demonstrated. The wisest philanthropy is proven to be a judicious inculcation of habits of thrift, independence and self respect among the working people. In view of the light which has been shed upon this problem by the efforts of well-disposed people elsewhere it is amazing that the charitable portion of New York have not given more attention to the crying necessities of the crowded and unfortunate tenement population.

Mr. Blodgett says of the tenement house in New York:—"A building containing from forty to a hundred rooms, each of which is separately let to one or more persons, * * * can scarcely be expected to offer any incitement to cleanliness, order and self-respect;" and again, "The public are concerned with the final results" of the single house system. He properly says "that it is a social question of the highest character that is raised in this discussion of the mode of building up a great city;" and in the same paper he reviews the results of the single house system in Philadelphia.

New York cannot be permitted to much longer continue the system of neglect of the social condition of the great body of its population, or longer permit the violation of every law of successful growth regulating a commercial town without a rapid decrease in permanent prosperity.

It is possible, with wise legislation on the subject of distance, or rapid transit to commercial centres, and wise building laws, within ten years from this time to have no tenement house, in the popular meaning of this term, remaining on New York Island. This, however, needs the concurrence and co-operation of builders, real estate owners and, at first, the more thrifty of the working people, and finally of all. Upon a simple plan of co-operation in Philadelphia, alone, from 1849 to 1876, inclusive, the sum of over fifty millions of dollars has passed into small single houses for the occupation of the artisans and their families. In 1876 there were 450 active building associations in operation in Philadelphia.

With what results. Mr. Blodgett says:—"I have seen men, with their families, pursuing precisely the same occupations (as the New York tenement population) living in Philadelphia in neatly kept houses of their own, in cleanly streets and with every evidence that they felt inspired by all the present comfort and hopes of improvement that elevate and honor man in the humblest as well as in the highest position. As an act of sanitary precaution, or of benevolent public spirit, there could be no greater service conferred on a city than to introduce and enforce the single house system."

These are wise words, and how much longer is their text to be violated by the combined efforts of short-sighted corporations and our unwise city authorities? The one combatting the inevitable and the other neglecting until neglect becomes a crime, the forfeiture of the franchise of the corporation obstructing the imperative necessity.

It is but yesterday New York trembled at the possible uprising of the tenement poor, fortunately without reason; but unless this great majority of the population are properly housed, when the scheme is of so easy solution it taken in connection with rapid transit, the time must come when all this overcrowding produces protest in the revolutionary form. It is easy for the unthinking to fasten such results as are witnessed in New York on the tenement population itself, and it is most unphilosophic, for but few are endowed with the power of solving social problems, and these are trustees for the rest and less gifted of their fellows. It is to the rich of New York that the duty of promoting the single house system belongs, and in a subsequent paper it will be demonstrated by the results accomplished elsewhere that with the aid of rapid transit new avenues of investment in the direction pointed out will be opened which will produce admirable results to the capitalists as well as to the now unfortunate tenement poor, who will then seek to be householders.

In England and in Philadelphia many thousands have become possessed of property through building societies who, without such associations, never could have become householders.

It is easy to convince the most sceptical of the profits to all concerned in the single house system by marshalling the figures which represent the total result of such a system elsewhere. These prove that with slight effort and intelligence waste lands adjacent to a city may be made with profit the healthy, permanent and happy homes for a class otherwise overcrowded and wretched. In New York such a result cannot be until after rapid transit to its suburbs is an accomplished fact.

FLOATING HOSPITAL EXCURSION.

The Floating Hospital of St. John's Guild had unpleasant weather to contend with yesterday, but that did not prevent 1,450 persons from enjoying the benefits of the excursion. Eight hundred mothers and children got in at East Twenty-third street. The trip was down the bay and around Coney Island. It rained or tried to do so most of the time, the weather was murky and there was little breeze stirring even with the barge in motion. The upper deck was so full that upward of 200 persons were brought down stairs. The cots in the hospital wards were all filled with the very ill children, who were attended to by Drs. Thurman, Newcombe, Williams and Adams. The excursionists seemed very much benefited by the trip, and were certainly better off than they would have been at home, for, unpleasant as was the day on the water, it was worse on land; for on the broad bosom of the bay there were no smells of bone factories, oil refineries or other obnoxious businesses. Never within its history have the funds in the treasury of St. John's Guild been at such low ebb. On the last few excursions they have been obliged to dispense with the music, which, while it is neither food nor fresh air, is almost as necessary to the happiness of the poor excursionists. If some of our benevolent citizens could see the delight with which some of these poor mothers dandle their babes to the sounds of a Strauss waltz, or sit in rapt attention as the music of the "Sweet Bye and Bye" floats over the deck they would see how much good this seeming luxury does.

SHAKEN TO ITS FOUNDATION.

The opposition steamer D. R. Martin, when on her six o'clock trip down on Wednesday evening, was caught by an eddy while entering the slip at Stapleton, and the bow crashed with full force into the middle of the dock upon which the Club House stands. The building was driven ten feet from its foundation toward the shore. Some of the sleepers under it were carried away and the bridging connecting the building with the main dock was thrown into the water. The shock was heard and seen on the Richmond road, half a mile distant, and the flagstaff was seen to vibrate. The bow and rudder of the boat were carried away, and yesterday she only used one rudder. The regular pilot was not in charge when the accident occurred. The Club House for the past two years has been the cause of litigation between the opposition ferry company and the Pilot Commissioners, who have sought its removal on the ground that it is an obstruction to navigation.

ESSEX COUNTY FREEHOLDERS.

The Essex County Board of Chosen Freeholders met in Newark yesterday. After the receipt of the usual monthly reports there was a debate as to whether certain work on Park and Washington avenues should be completed. The proposition was voted down. During the debate a resolution adopted at the last meeting of the Newark Common Council, opposing any and all improvements by the Road Board hereafter, was received and read by the clerk. A motion to receive and lay upon the table was made, upon which Freeholder Dr. E. V. Whittingham moved that the resolution be not received. He did not want the Board to receive such stuff. The resolution deserved no more consideration, he considered, "than the vituperation of any old woman who might come here and attack this Board."

The report of the Committee on Lunacy, which consists of D. S. Smith, M. D., Edward T. Whittingham, M. D., S. Daily, M. D., Joseph S. Sutphen, M. D., and William Cadmus sets forth that the cost of maintaining and treating patients in the county asylum is only $1 32 (net) per week, while the State charges them for other patients $3 80 per week each. A severe attack then follows on the State asylum management, the committee declaring, after alleging that the State asylum can do no more for patients, give no better food or treatment than they can in this county asylum:—"The law enables it to put its hands into the pockets of the taxpayers and no appeal of shame is sufficient to turn it from its purpose. It takes from the taxpayer $1 50 to $2 per week more than there is any necessity or cause for for each patient in it, which, with its present number, is from $600 to $800 per week."

SERIOUS CHARGES.

INVESTIGATION OF ALLEGED ABUSES AT THE HOSPITAL FOR INCURABLES, FLATBUSH.

An investigation took place yesterday in the matter of the charges preferred by Annie Hagen and Catharine Riely, nurses, who were employed at the Hospital for Incurables, against several of the officials connected with that institution. The case was recently examined by the Commissioners of Charities, who recommended the removal of the steward and the two nurses. Yesterday the Committee of Supplies of the Board of Supervisors, Kings county, began an investigation at Flatbush, Supervisor Strong presiding.

The affidavit of Catharine Riely, who was discharged from her position on August 1, set forth that she had been removed by Dr. Guy Dailey, Superintendent of the Hospital, and that the reason of her dismissal was her testimony against the Doctor in the case of Annie Hagen. The nurse, Annie Hagen, in her affidavit, set forth that she was discharged on August 1, by Dr. Dailey, as she believes, because she refused to submit to the improper liberties which the Doctor attempted to take with her. She accuses the Doctor with having on the night of July 22 made two attempts to enter her bedroom, and also endeavoring to assault her in his own room. She also accuses him of intoxication.

Dr. Dailey said it was not true that he had discharged Catharine Riely; she resigned; as to Annie Hagen she was discharged for disobedience; he reserved his defence until his examination.

Mrs. Jane Purdy, matron of the hospital, testified that she knew nothing of the circumstance of her own knowledge; since leaving the hospital the women, who are about twenty-eight years old, have been living at the Almshouse; Mrs. Hagen arrived in Brooklyn from Charleston, S. C., several months ago, with her husband and two children; being poor she went with them to the Almshouse, and her husband started for the West to look for work; he was accidentally killed on a railroad car, and she was appointed nurse in the Hospital for Incurables. She alleged in her ex parte statement that she was approached improperly while there by Mr. French, the steward, and subsequently Dr. J. B. Hibben, she claims, attempted to detain her all night by taking her on a car going in the direction of Coney Island, instead of toward the institution. About three weeks ago Catharine Riely and herself awoke and found Drs. Dailey and Hibben in their room. The women screamed and their visitors fled. Despite the advice from nurses and others to "make no fuss about it," Nurse Hagen preferred the charges, and the Charity Commissioners had consultations with the doctors, the steward and the witnesses. Mrs. Hagen informed the Commissioners that she meant to have satisfaction and knew how to get it. One Commissioner, she says, told her that if she didn't keep quiet it would be worse for herself, and told her not to say a word to anybody, as she had two children living on the county's charity, and she herself had been supported as a nurse. The physicians, the steward and the Charity Commissioners deny the statements of the women named, and seek the fullest investigation.

RAILROAD LITIGATION.

THE VALUE OF THE JERSEY RAILROADS INVOLVED DECLARED TO BE OVER SEVENTEEN MILLION DOLLARS—WHAT THE STATE WILL GET.

The valuation put upon the Central Railroad of New Jersey by General Fitz John Porter in the course of the suit before Judge Depue, of Newark, resisting the taxation as assessed by the State, is as follows:—

Main line road bed	$11,687,771
Equipment	2,374,220
Newark and New York branch	1,540,713
Perth Amboy branch	451,457
Newark and Elizabeth	130,189
Total	$15,884,292
One-third the coal cars on Lehigh and Susquehanna road	3,432,960
Total	$19,317,252
At the suggestion of Judge Depue the following items were added to the value of Ferry Docks $415,000	
Other property used by the road 779,680	
	$1,194,680
Grand total	$20,571,939

This, the witness said, did not include the property between Phillipsburg and Hampton Junction, the Perth Amboy and Newark and New York railroads.

Ashbel Welsh, chief engineer of the Pennsylvania Railroad also gave an estimate of the value of the Central. He placed it at $22,000,000. Upon being called to the stand by the counsel for the New Jersey Central Railroad, Mr. W. J. Sneider test