THE COURTS.

Apportioning to Lawyers Their Fees in the Danser Will Case.

WHY SAILORS MUTINIED

Important Shield the Law Throws Around Letter Carriers.

GENERAL FREMONT'S PAYROLL.

The legal dance in the Danser will case having come to a sudden end by the concurrent assent of all parties concerned, now comes the necessity of paying the pipers. On this question sixteen counsel appeared before Surrogate Calvin yesterday to make suggestions as to what the amount of the respective allowances should be. Each of the counsel for the various societies entitled to legacies stated to the Court the amount of services he had performed, as a guide to fixing his amount of allowances, and all seemed to concur in the opinion that they should be graded according to the amount of the bequest involved. It was conceded by all that the fees of Messrs. Townsend, Dyett and Goldsmith, who on the part of the executor had to bear the brunt of the fight, should be fully proportioned to the extent of the services. The Messrs. Bartlett, who had succeeded in the litigation in behalf of the next of kin of the deceased lady, said they would without further statement of their services leave the amount of their allowance rest in the judgment and discretion of the Surrogate. In the course of the various statements and suggestions on this subject it came out in the remarks of Mr. Dyett, that so grievously wronged did Mr. Jeremiah, the residuary legatee in the will, feel by what he deemed the unfounded charge of having unduly influenced the deceased lady to make so large a bequest in his favor, of which bequest he now surrenders under the settlement, that his health was affected by it. In reply to what had been said by all the counsel, Surrogate Calvin, after complimenting the parties for having put an end by mutual agreement to what might otherwise have been a long and expensive litigation, said that under the statute, had the contest continued to the end, the most that could have been allowed to counsel representing the legatees would be five per cent on the amount of the legacy. Thus where a legacy of $5,000 was defended, the most that counsel could expect in any event would be $250.

Here Mr. John E. Parsons, who represented a bequest of $40,000, said it did not occur to him that he would get any such allowance as five per cent on the amount; but, on the contrary, he would be well satisfied with two and a half per cent at most, and even any less sum the Surrogate might think proper to allow.

The Surrogate, continuing, said, with five per cent as the limit at the end of the litigation, the fact would have to be taken into consideration that the litigation had been cut short; also the fact that all the legatees had to make substantially the same defence, and this necessitated consultation between and mutual aid by the various counsel on that side of the case; also the further fact, in relation to the allowance to the counsel for the executor, that he had practically but one defence to make. In reply to a suggestion that the legacies should be paid to the societies entitled to them intact, the Surrogate remarked that when any society employs counsel to defend its interests it is expected to pay for that service. As to the allowance to counsel for the next of kin, whatever amount he might fix, if deemed too little for the importance of the service rendered, it would not prevent the next of kin from increasing it to an amount commensurate with the benefits which have resulted to them. Much as he was inclined to fully reward faithful legal services he wanted to so grade the allowances in this case that his decision would stand and form no precedent for future excessive allowances. To-day the Surrogate will render his decision fixing the amounts.

SAILORS AND SUGAR.

Francis Peris, Henry Brain, Thomas Smith, James Furlong and John Driscoll, all seamen, were brought before United States Commissioner Deuel yesterday for examination on a charge of mutiny. It appeared the American ship Ocean King left this port for San Francisco last Monday. When opposite Bedloe's Island a number of the crew refused to do duty, and Deputy United States Shipping Commissioner Charles A. Hauke was called on board to arrest them. After being reasoned with a majority of the crew went to work, but these five refused, and, although peaceful, were brought on shore. Their reason for their refusal to do duty was that the food was insufficient, eleven men being fed with but enough for four, and that they were not supplied with sugar. The Commissioner committed them until to-day, when the examination will proceed.

WRONGED AND REJECTED.

Caroline Raber is the daughter of a respectable grocer in Houston street. In the service of her father as clerk was Charles Brodbeck. The clerk made love to the daughter, and, as she alleges, promised her marriage in March last. Under this promise, she says, he succeeded in seducing her, and now refuses to carry out his engagement. She has commenced a suit against him in the Marine Court for seduction and breach of promise, laying her damages at $10,000. Her counsel, Mr. Herman Stiefel, applied to Judge McAdam and obtained an order of arrest against the faithless and offending Charles, under which he has been arrested, and is still locked up up in Ludlow Street Jail in default of $3,000 bail.

LETTER CARRIERS PROTECTED.

A warrant was issued yesterday by United States Commissioner Deuel for the arrest of James Shea, a publisher, at No. 33 Barclay street, for interfering with and assaulting a letter carrier in the performance of his duty. William S. Johnson, the carrier, brought a package addressed to Shea, on which there was thirty-six cents postage. Shea told his cashier to pay the amount, but before it was paid Shea had opened the package and finding it contained a lot of samples refused to pay and wanted the carrier to take it back. The latter refused and also refusing to leave the store without the postage was paid. It was for this the warrant was issued, under a statute which imposes a penalty of from $100 to $1,000 and imprisonment for from one to three years for assaulting a letter carrier in the performance of his duty.

GENERAL FREMONT'S PAY.

A singular suit was commenced yesterday, on behalf of the United States government, in the United States District Court, against General John C. Fremont. It is charged against the General that he was commissioned a major general in May, 1861, but did not assume actual command until the following July. For the time between receiving his commission and assuming command he drew pay from the government amounting to $3,000. It has now been decided by the government that he should have drawn pay only from the time of taking actual command, and the present suit is brought to recover back the $3,000 previously drawn.

SUMMARY OF LAW CASES.

A suit was commenced on behalf of the United States government yesterday in the United States District Court to recover from the Shoe and Leather Bank the sum of $500. The money was paid on a check forged in the name of Paymaster A. D. Robinson, and the bank is sued as the last indorser.

Judge Westbrook yesterday, on application of Mr. William F. Kintzing, granted a writ of habeas corpus in the case of Joseph Murray, committed for an assault. The suit was made returnable this morning, its object being to secure, if possible, the discharge of the prisoner on bail.

In the matter of the application for a permanent injunction in the case of Frank Uffner against James H. Meade and Edward F. Flynn, which came up in Supreme Court, Chambers, yesterday, Mr. William F. Howe appearing for the plaintiff and C. W. Brooke for the defendants, Judge Donohue said that Judges Westbrook and Van Brunt having decided in this district that no injunction will lie to restrain a person from giving his services, he must follow their ruling, and accordingly refused to hear any argument on the question, deciding the matter in its legal phase without reference to the merits involved.

DECISIONS.

COMMON PLEAS—SPECIAL TERM.

By Judge J. F. Daly.

Devoe vs. Kochler.—Order requiring reference to make and file report, &c., granted.

Welsh vs. Goetz.—Motion granted, costs to be credited on judgment.

Hirsch vs. The Continental Life Insurance Company.—Appeal dismissed, without costs.

White vs. Whiting.—Order granted.

In the matter of Meander.—Approved.

MARINE COURT—CHAMBERS.

By Justice Sheridan.

Foerster vs. Mower.—Motion denied, with $10 costs to plaintiff to abide event.

Hazard vs. Doolittle.—Motion to vacate order of arrest granted, with $10 costs.

Kalmus vs. Your.—Motion for interpleat granted.

Ritter vs. Haas; Kennedy vs. Allen; The Williamsburg Brewing Company vs. Hartig.—Motions granted.

Ball vs. Jessup.—Motion denied.

Fernbach vs. Arnold.—Motion denied.

Ellis vs. Nightengale.—Attachment allowed; bail, $500.

Gage vs. Darta Fimal vs. Frankie; Vegrassat vs. Schlamoritz; Walt vs. Herrman; Same vs. Bauer; Foetz vs. Schlamp; Chandier vs. Ausado; Asher vs. Wood; Bank of the Metropolis vs. Maude; Hitzelberger vs Erhart; Mile vs. Sullivan; Kloss vs. Rathenberg.—Orders granted.

Johnson vs. Rudolph.—Bond approved.

GENERAL SESSIONS—PART 2.

Before Judge Gildersleeve.

A TENEMENT HOUSE ROW.

A somewhat dilapidated looking junkman with weak eyes, named John Warren, was arraigned at the bar yesterday charged with having on the 7th of August last committed a felonious assault upon Mrs. Mary Taite at the tenement house No. 577 Greenwich street. The complainant set forth that on the night in question, in consequence of some epithets made use of by the accused in reference to her son, she shied the glass chimney of an oil lamp at his head. He then struck her, and she responded with a blow on Warren's mouth. He retreated to his room, she said, and again appeared on the landing, the rooms being on the same floor, and stabbed her twice in the abdomen. She was taken to the hospital, where her wounds were attended to. The prisoner, in response to Mr. Price, his counsel, detailed the other side of the story. Lumps of coal, he stated, were fired into his room while he was at supper, and he remarked that if he could find the party who threw the black diamonds at his cold roast beef he would "civilize" him in quick shape. Mrs. Mary Taite, he averred, then rushed into his apartment and gave him the benefit of what he called "a thump of an oil lamp on the sconce." This attack she followed up by shieing two tumblers at his head, and immediately afterward followed up her advantage with a smoothing iron. He had been cutting tobacco, and believing she intended to kill him took up his knife, warning her to keep clear. She nevertheless made a rush at him, and this, he said, was the way in which she got cut. The jury being satisfied that the complainant was the aggressor acquitted the prisoner.

PLEAS AND SENTENCES.

Two youths, named William Delaney and William Baker, who stole $100 worth of silverware from the premises of Mr. John Cornell, No. 26 West Forty-ninth street, on the 10th inst., while the basement door was open, were arraigned for trial by Assistant District Attorney Russell, and pleaded guilty. The lad Baker was sent to the House of Refuge and Delaney to the Penitentiary for two years.

Jacob Young, of No. 287 avenue C, charged with stealing a watch and chain valued at $125, the property of Michael Cambias, of No. 102 West Eighteenth street, pleaded guilty, and was sent to the State Prison for two years.

John Close, of 144th street and Third avenue, was charged with carrying off a case of razors, a pair of shears and a watch, from Robert Boscher, of No. 203 East Twenty-ninth street, on the 26th of August last, and, on being arraigned, acknowledged his guilt. He was sent to the State Prison for two years and a half.

William Wilson, of No. 198 Chatham street, pleaded guilty to an indictment charging him with burglary on the premises No. 31 Broadway. Another indictment charged him with a similar offence at No. 37 Broadway. He was sent to the State Prison for three years and a half.

George Wilson, of No. 96 Orchard street, pleaded guilty to burglary on the premises No. 219 Centre street, on the 8th inst., and was sent to the State Prison for two years and six months.

Andrew Conner pleaded guilty to the charge of stealing the sum of $99 from J. H. Kane, No. 334 East Thirty-fourth street, and was sent to the State Prison for two years and a half.

Philip Dougherty, of No. 31 Lewis street, stole fourteen pairs of boots from a shoemaker carrying on business at No. 2 Lewis street, and was sentenced to be imprisoned for the term of two years and six months.

BROOKLYN DIVORCE SUITS.

Mrs. Catherine Burke has sued her husband, Captain Christian Burke, proprietor of a restaurant on Myrtle avenue, for divorce on the ground of cruel and inhuman treatment. She says her husband is a habitual drunkard, and while under the influence of liquor throws lager beer glasses and decanters at her. He also demolishes the furniture. Yesterday Judge Neilson, of the Brooklyn City Court, appointed Mr. George P. Murphy as referee to try the case.

Mr. Edward Wheeler, of Ninth street, and who is a produce merchant in New York, has been sued for absolute divorce, by his wife Minnie, in the Brooklyn City Court. Yesterday the Judge granted an order compelling the defendant to show cause why he should not pay alimony.

A MOTHER STEALS HER CHILD.

Doctor Fershland, of No. 207½ Prospect place, South Brooklyn, caused the arrest of his wife, Christina, yesterday afternoon on a charge of stealing her child, of which he was the custodian pending her action for divorce. Some time since the doctor sued her for divorce on the ground of adultery, but the evidence was not sufficient to convince the jury of her infidelity, and they returned a verdict in her favor. Her husband then offered her a home again, but she refused to accept it. She then brought an action for divorce from him, and this suit has not yet been tried. Yesterday she went to her husband's house to see the child, and, finding the former was not in, walked off with the little one. She was taken before Judge Walsh, but as the doctor refused to press the charge she was discharged.

COURT OF APPEALS.

ALBANY, Sept. 21, 1877.

In the Court of Appeals Friday, September 21, 1877:—

No. 23. Chittenango Cotton Company vs. Stewart.—Argument resumed and concluded.

No. 121. Kasson vs. Kellogg Bridge Company.—Argued by S. S. Rogers, for appellant, and A. P. Nicholls for respondent.

No. 125. Long Island City vs. Long Island Railroad Company.—Passed.

No. 127. Delamater vs. Fonda and Johnstown Railroad Company.—Argued by A. D. L. Baker for appellant, and A. J. Parker for respondent.

No. 128. Comstock vs. Drohan.—Argued by George W. Palmer for appellant, and Douglass Campbell for respondent.

No. 78. Rose vs. Hurd.—Argued by J. McGuire for appellant, and E. Countryman for respondent. Case still on.

Proclamation made and court adjourned.

CALENDAR.

The following is the day calendar for Monday, September 24, 1877:—Nos. 79, 129, 130, 111, 6, 87, 131, 135.

UNITED STATES SUPREME COURT.

BANKRUPTCY—JURISDICTION OF THE STATE AND FEDERAL COURTS.

WASHINGTON, Sept. 21, 1877.

The following decision has been rendered by the United States Supreme Court:—

No. 48. Horace B. Claflin, plaintiff in error, vs. Julius Houseman, assignee in bankruptcy of D. B. Comstock and Van E. Young.—In error to the Supreme Court of the State of New York.

This action was brought in May, 1872, in the New York Supreme Court, county of Kings, by Julius Houseman as assignee in bankruptcy of Comstock & Young, against Horace B. Claflin, under the thirty-fifth section of the Bankrupt act, to recover the sum of $1,955 57, with interest, being the amount collected by Claflin on a judgment against the bankrupts recovered within four months before the commencement of proceedings in bankruptcy. The ground of action, as stated in the complaint, was that they (the bankrupts) suffered the judgment to be taken by default, with intent to give Claflin a preference over their other creditors at a time when they were insolvent, and when he knew or had reasonable cause to believe that they were insolvent, and that the judgment was obtained in fraud of the Bankrupt law. The defendant demurred to the complaint, assigning as cause, first, that the Court had no jurisdiction of the subject of the action; second, that the complaint did not state facts sufficient to constitute a cause of action. Judgment was rendered for the plaintiff on the 13th day of January, 1873, and was subsequently affirmed both by the General Term of the Supreme Court and by the Court of Appeals. This judgment is brought here by writ of error under the act of 1867, which supersedes the twenty-fifth section of the Judiciary act.

The point principally relied on by the plaintiff in error is that an assignee in bankruptcy cannot sue in the State courts. It is argued that the cause of action arises purely and solely out of the provisions of an act of Congress, and can only be prosecuted in the courts of the United States, the State courts having no jurisdiction over the subject. It is but recently settled that the several district and circuit courts of the United States have jurisdiction, under the Bankrupt law, of causes arising out of proceedings in bankruptcy pending in other districts. There had been much doubt on the subject, but it was finally settled at the last term of this Court in favor of the jurisdiction. (Lathrop vs. Drake, 91 U. S. Rep., 516.) Had the decision been otherwise, as for a long period was generally supposed to be the law, assignees in bankruptcy, if the position of the plaintiff in error is correct, would have been utterly without remedy to collect the assets of the bankrupt in districts other than that in which the bankruptcy proceedings were pending. Neither the State courts nor the federal courts could have entertained jurisdiction. The revised statutes, whether insuvertently or not, have made the jurisdiction of the United States courts exclusive in "all matters and proceedings in bankruptcy." (Sec. 711.) Whether this regulation will or will not affect the cognizance of plenary actions and suits it is not necessary now to determine. At all events the question of such cognizance must be met in this case, and being important in the principles involved would require much deliberate consideration had it not been already in effect decided by the Court (Lathrop vs. Drake and Eyster vs. Gaff). Reaffirmed in substance as follows:—

Under the Bankrupt act of 1867 the assignee might sue in the State courts to recover the assets of the bankrupt, no exclusive jurisdiction being given to the courts of the United States. Whether such exclusive jurisdiction is given by the Revised Statutes quere.

The laws of the United States are as much the law of the land in any State as State laws are, and, although in their enforcement exclusive jurisdiction may be given to the federal courts, yet where such exclusive jurisdiction is not given or necessarily implied the State courts, having competent jurisdiction in other respects, may be resorted to.

In such cases the State courts do not exercise a new jurisdiction conferred upon them, but their ordinary jurisdiction derived from their constitution under the State law. Affirmed.

Mr. Justice Bradley delivered the opinion.

CUSTOM HOUSE AMENITIES.

TRIAL OF WILLIAM H. GRACE FOR HIS ATTACK ON GENERAL SHARPE, THE SURVEYOR OF THE PORT.

The court room of the General Sessions, Part 1, Judge Sutherland presiding, was crowded yesterday by all shades of politicians, the case of William H. Grace having been set down peremptorily for trial. The indictment against the accused, an ex-Custom House inspector, charged him with having on the 20th of July last committed an unprovoked assault on General George H. Sharpe, Surveyor of the Port, in front of the HERALD Building. A great deal of interest seemed to be taken in the proceedings. District Attorney Phelps, with Assistant District Attorney Bell, appeared for the prosecution, Assistant United States District Attorney Tremain being also present, and the prisoner, a man of herculean frame, was defended by ex-United States District Attorney Samuel G. Courtney. Much time was spent in empanelling a jury, minute interrogatories having been put to all as to whether they had formed an opinion as to the merits of the case; whether they were engaged in the importing business; whether they belonged to any political organization to which the complainant was attached, or, in fact, whether they belonged to the "Custom House party." The District Attorney took occasion to object to some of the questions as irrelevant, intimating that there was no such thing in existence as a "Custom House party." Howbeit the usual five peremptory challenges allowed were exhausted, and a jury was at length obtained and the trial began.

Assistant District Attorney Bell then opened the case on behalf of the people. He tersely set forth the facts of the assault, which have already been fully described in these columns. He observed, in addition, that while the prisoner at the bar was charged only with assault and battery the evidence would disclose it to be one of a most aggravated character, and worthy the most serious consideration of the jury. It would be shown, he said, that a more cowardly or unjustifiable attack had never been made in this city in the public streets. It was an offence not only against General Sharpe as an individual, but against the entire community, and should the facts alleged be proved, as he had every confidence they would, the jury had but one duty to perform.

TESTIMONY OF SURVEYOR SHARPE.

The complainant, General George H. Sharpe, was the first witness who appeared on the stand. In response to Mr. Bell he testified that when he entered on his duties as Surveyor of the Port, four or five years ago, the defendant, William Grace, was a Custom House inspector; the defendant's connection with the Custom House ceased in April last; the witness saw him about half a dozen times since then and also previous to the assault; on the morning of the 20th of July last he went to the rooms of the Historical Society, and, taking a Second avenue car, rode down town, having with him a large package of books and pamphlets and a sun umbrella; he walked down Park row, and meeting Grace in the vicinity of Beekman street, nodded to him; the latter in passing applied to him a very offensive epithet, but the General went on his way, stopping opposite Hudnut's drug store, where he, owing to the heat, stood a few minutes, awaiting the passing of a Wall street stage, as he intended going to the Custom House; happening to look up Broadway he discovered Grace at his side, and without a word the latter struck him a severe blow, knocking him right into the street; in endeavoring to get out of the way of the passing vehicles Grace again struck him a terrible blow, felling him to the ground, and while down renewed the assault, striking him on the face and head seven or eight times; on the arrival of a police officer he heard Grace say that he (witness) was a thief; the physical effect of the blows was a very bad cut on the right cheek, his eye was blackened, his lip was cut, his right arm was severely bruised and his left thumb was disabled, besides being at the time all covered with blood; he then went with an officer to the Tombs Police Court and made his complaint.

Mr. Courtney subjected the witness to a very rigorous and searching cross-examination. He said he did not know whether he or Grace was first taken into custody. Counsel inquired whether or not the witness had had any controversy with the accused prior to the alleged assault, and whether he had not made divers threats against him.

Judge Sutherland asked what the object of these inquiries was—what their purport was in reference to the question at issue.

"I propose to show," replied Mr. Courtney, and our defence is this—that Mr. Grace, who was an honest and faithful officer, had discovered certain frauds in the Custom House, under the very nose and supervision of General Sharpe, his superior. As an honest officer it became his duty to make a report of those frauds to his superior officer. He did so, but the report was disregarded. Grace was then obliged to make a complaint to those higher in authority. In doing so he incurred the enmity of the complainant to such an extent that General Sharpe gave instructions to one of his subordinates to make a complaint to him against Grace. The result ended in Grace being suspended as well as in the resignation of General Sharpe himself, which had not yet been acted upon."

Judge Sutherland intimated that the inquiry must be confined to the question at issue.

Counsel then offered to show the hostile feeling entertained by the complainant toward the accused in effecting his removal as an inspector, and followed up his proposition by asking General Sharpe whether, when he met Grace on Park row, he did not spit at him. This the complainant stoutly denied. Several questions were then propounded as to whether the complainant did not authorize letters to be written to certain firms requesting complaints to be made against Grace and whether or not Grace was suspended after the writing of such letters. This evidence, however, was not allowed. The witness further testified that he nodded to Grace on Park row as an evidence of recognition and that he was not unfriendly toward him. He denied having straightened himself in a menacing manner toward Grace when opposite Hudnut's, averring that he did not see him until the blow was struck.

"You say," inquired District Attorney Phelps, "that Grace left the Custom House in April?"

"Yes," replied the witness.

"And the assault was committed in July?"

"It was."

TESTIMONY OF JOHN H. FAGAN.

This witness was a butcher living at No. 316 Tenth avenue, and said that on the day in question he was crossing Broadway, opposite the HERALD Building; he saw the complainant and the accused standing together, and the first thing that attracted his attention toward them was the latter striking the former; two blows were first administered, and the third felled Sharpe to the ground; while he was down on the ground he saw Grace strike him four or five times; he heard Grace say, after the first blow had been struck, something about General Sharpe having insulted him, and, supposing it to be a private quarrel, he did not like to interfere; but when he saw the large man beating the small man, and supposing the latter was in danger of his life, he pulled Grace away; when the policeman appeared on the scene he heard Grace say that General Sharpe was a thief.

Charles B. Rowan, who said he lived in Brooklyn and was a clerk in Welsh's grocery store, stated, in answer to Assistant District Attorney Bell, that he was present at the occurrence; he heard Grace say to General Sharpe, "You are a ——— thief!" and immediately Grace struck him, and repeating the blows, knocked him down.

Evidence for the prosecution was also given by John Rider, a manufacturer of rubber goods, residing at No. 27 West Twenty-second street. He said he saw the prisoner and General Sharpe opposite Hudnut's drug store, on July 20; as the witness got to the edge of the sidewalk he heard Grace say, "You are a ——— thief!" which expression he followed up by knocking General Sharpe down; Grace struck him several times, and he (witness) called to Grace to stop, as there was danger of the other being run over by the passing vehicles; Grace was about to renew the attack when a citizen interfered and pulled him away; General Sharpe's face was badly cut and disfigured; a police officer appeared on the scene, when Grace called Sharpe a thief.

A colored man named William Thomas, the janitor of the office of the Albany day line of steamers, also testified as to the assault. He saw General Sharpe standing in the gutter and Grace standing over him, the latter caught him by the collar, and, pulling him; struck him and threw him on the ground; Grace again attempted to strike him, but was prevented by a police officer, upon whose appearance Grace called General Sharpe a thief.

THE POLICEMAN'S EVIDENCE.

Officer Louis Seig, of the Broadway squad, testified that at about ten minutes past two o'clock he saw the defendant and the complainant and a crowd opposite Hudnut's; he ran to the spot and saw Surveyor Sharpe with his body on the sidewalk; Grace struck him three times and called him a thief; he immediately took Grace before Judge Otterbourg, and another officer accompanied the complainant.

William B. Louis, an ex-Custom House inspector, was next called to the stand. He testified that he had had a conversation with the accused at the St. Nicholas Hotel the day preceding the assault.

Here objection was made, and Mr. Bell said he wanted to show that Grace had said to him that he would break every bone in Sharpe's body; but Judge Sutherland excluded this evidence and the prosecution having closed, the case was adjourned until Monday morning, when the defence will be proceeded with.

DRESSMAKERS VICTIMIZED

A well dressed, middle-aged German woman, giving the name of Mary Hansen and her residence as No. 65 Jefferson avenue, was charged at the Tombs Police Court yesterday with obtaining goods on false pretences. Fifteen complainants, chiefly German dressmakers, appeared. According to their affidavits the prisoner entered their stores and after exhibiting choice designs of cloaks, sacques or wrappers solicited work. Her manner was pleasing and attractive and her appearance calculated to make a favorable impression. When the material was given her she went away, promising to return with the goods all made up, within a few days. In no instance did she keep her word. Several of the victims reported their cases to the police, and detectives were detailed to find the woman. The names she assumed were different in each instance, but the description was the same from all the victims. The prisoner was captured on Thursday and yesterday confronted with the complainants. The total value of the goods obtained is about $300. The detectives found nearly all the goods in her house, in Jersey City, where she lives in respectable style. She explained to the Court that she had not intended to defraud. She expected to return the goods in a few days. Justice Duffy remanded her back to the police until to-day.

THE VANDERBILT WILL CONTEST.

POSTPONEMENT OF THE CASE UNTIL NOVEMBER.

The contest over the will of the late Commodore Vanderbilt, adjourned from the 12th of July, came up for a hearing yesterday, pursuant to adjournment, before Surrogate Calvin. Messrs. Scott Lord and Ethan Allen appeared for the contestants, and Mr. Henry L. Clinton for the executor of the will. The contest, as has already been fully published in the HERALD, is instigated by Mrs. Mary A. La Bau, the daughter of the deceased. It had already been understood that an adjournment must be had in the case, but it became necessary on the part of the counsel for the contestants to make formal application to the Surrogate for that purpose. When the case was called this application was made by Mr. Scott Lord, based on affidavits made by himself, his client Mrs. La Bau, and Mr. Ethan Allen, his associate counsel. The substance of all these affidavits was that they were not now prepared to go to trial by reason of the absence of four material witnesses, three of whom, William H. Thorne, Daniel Torrence and William H. Van Buren are in Europe and William H. Clark in the West; also because of the necessary absence of Judge Black, the senior counsel on that side of the case, who is detained by severe and dangerous illness in his family. They further set forth Mrs. La Bau was ignorant of the necessity of perpetuating the testimony of those witnesses who had gone to Europe; that Mr. Scott Lord was ignorant of the general exodus which took place of citizens of New York during the summer months, and that he and his associate were thereby prevented from seeing or consulting with the witnesses; that owing to this fact and the absence of material witnesses and the senior counsel they were not prepared and could not safely go to trial. He asked an adjournment to the 25th of October next.

Mr. Clinton argued in opposition to the motion, reciting the previous adjournments had, and contending that the want of preparation showed some neglect; that it did not appear the witnesses named were the only witnesses on which the contestants had to rely; that the case had been specially set down for this time and more than a week set apart for its continuous trial, and, no reason sufficiently valid having been shown for a postponement, it should go on. After some further discussion between counsel, as to the sufficiency of the affidavits on which the adjournment was asked, Surrogate Calvin said he would have no hesitation in granting a postponement for once at least, to enable them to get ready. He would do this on the ground alone of the absence of the senior counsel, Judge Black, on whom his client relies; but besides this the affidavits made a prima facie case. He, thereupon, adjourned the hearing to November 12.

RIVAL PUBLISHERS.

An old gentleman named Richard J. Hartshorne, residing in Duffield street, Brooklyn, the proprietor and publisher of a paper known as the original *Lloyds' Register*, was arrested yesterday afternoon by Officer Moore, of the Jefferson Market Court squad, for having published and circulated a libellous pamphlet against Thomas D. Taylor, the editor of a rival publication, known as the *American Lloyds' Universal Standard Record of Shipping*. The complaint made by Mr. Taylor was to the effect that in 1858 he began the publication of his journal; that in 1866 the prisoner, with one John F. H. King, started the rival paper, both of which are now in existence. In September of this year, it is claimed, Hartshorne caused to be published a pamphlet composed of letters purporting to have been written by John F. H. King and addressed to various naval officers, sea captains and merchants interested in the shipping trade here and abroad. These letters were addressed to George C. Trufant, John Subley, Ralph Turnbull, Timothi A. Barbino, of Callao, and Captains Noyes, Devereux, Deery, Wells, Flynn and Hendrickson, of the merchant marine. In those letters Taylor is designated as a liar, a great scoundrel, a man who represents poor vessels as good, as having been turned out of the Board of American Lloyd's for dishonest practices, and that his certificates in the United States are without reputation and worthless. Attached to the affidavit of Mr. Taylor was one made by Mr. King to the effect that the letters published as having been written by him were wholly devoid of any foundation whatever in truth or in fact. Mr. Taylor claimed that the libellous pamphlet was so printed and circulated by the prisoner to injure his reputation in mercantile circles, and by decreasing the sale of his paper to add to that of the prisoner.

Justice Bixby held Mr. Hartshorne for trial in $500 bail, which was furnished by Captain August Meyers, of Tompkins avenue, Brooklyn, who is described in Mr. Hartshorne's circular as Surveyor General for New York, New Jersey and Connecticut.

A TIGER'S LAIR.

John B. Corrigan, a young man of twenty years, son of Patrick Corrigan, a wealthy retired gentleman, living at No. 58 East Eighty-seventh street, appeared yesterday afternoon before Justice Kasmire in the Harlem Police Court as complainant against Egbert Halstead, Russell Winters and John W. Peck, proprietors of the Degroot House, at the southwest corner of Fourth avenue and Twenty-fourth street. Corrigan charges the above with running, under cover of a hotel, a first class gaming establishment. He says that in a secluded part of the premises are rooms fitted up with all the necessary paraphernalia, which are daily resorted to by lovers of faro. Corrigan swore to having lost the following sums while at play with the defendants above mentioned:—On September 8, $124; September 10, $38; September 11, $40. Total, $202. The money had been obtained from an indulgent father, who seemed to be in ignorance of his son's habits. John G. Corrigan, an uncle, testified that the defendants offered him $50 to keep the matter quiet. Halstead, Winters and Peck, who had been arrested by Court Officer Bennett on a warrant issued by Justice Kasmire, demanded an examination, and were each held in $1,000 to appear when summoned.

A PASTOR ROBBED.

Rev. Johannes Rorkstrosh, pastor of the Zion Lutheran Church, of Tenth avenue, appeared in the Tombs Police Court yesterday as complainant against his cook, Caroline Oberander, aged eighteen years, whom he accused of stealing a gold locket and ring, some silver spoons, table linen and $4 in cash. The pilferings first began last March, but no suspicion attached to the girl until recently, when pawn tickets representing some of the missing articles were found in her possession. She was held in $300 bail.

BUSINESS TROUBLES.

A meeting of the creditors of Magnus Frank, dealer in skins, formerly at No. 87 Chambers street, was held yesterday at the office of Register Little, and Thomas P. Cummings was elected assignee in bankruptcy. Frank's total liabilities amount to $17,843 52, and of this sum the following claims were proved:—Thomas P. Cummings, $3,948 21; Martin Bates, Jr., & Co., $3,019 60; Henry Crolut, $2,884 82; Emil Mendheim, $1,714; J. & A. Boskowitz, $802 96; Importers and Traders' National Bank, $660 71.

The creditors of Spawn & Batsford, dealers in engine supplies at No. 118 Liberty street, met yesterday at the office of Register Fitch and elected James A. Blanchard assignee in bankruptcy. The liabilities amount to about $5,000.

A meeting of the creditors of Gonzalvo de Cordova, commission merchant at No. 62 William street, was held yesterday at the office of Register Fitch. Schedules were presented showing aggregate liabilities of $37,000, the largest claims being the following:—James Campbell, $24,369 42; T. G. Beller, $5,341 64; J. B. Faltoute, $2,740 80. Thomas W. Harris, of No. 440 Broadway, was elected assignee in bankruptcy.

A meeting of the creditors of Paul C. Coffin & Augustus Pettibone, hardware dealers at No. 197 West street and at Plainfield, N. J., was held yesterday at the office of Register Dwight. A statement of assets and liabilities was presented, showing liabilities $41,000; real assets $15,902 32. The assets consist of stock, fixtures and book accounts; the stock in new York is valued at $6,066 50, and at Plainfield $10,900 61. An offer was presented for a composition at thirty-three and one-third cents on the dollar in four, eight and twelve months. Fifteen creditors proved their claims, aggregating $16,795 43. Of this number twelve were in favor of accepting the offer, but, after some discussion, it was finally decided to adjourn the case for further examination. The largest claims proved are the following:—Borden & Lavell, $4,014 81; Joseph Grandolpho, $2,500; the First National Bank, $3,700; Jesse Hoyt, $1,104 43.

The affairs of Pouvert & Co., sugar importers, at No. 45 South street, who have made an assignment for the benefit of their creditors to Mr. Alexandre, were the subject of conversation in the trade yesterday, but no positive information regarding their condition was made known. Their liabilities were variously estimated at from $60,000 to $250,000. The firm refuse to give any information whatever to the public, and the assignee is at present on a yachting excursion. Their paper has been selling at a sacrifice for some time past, and their brokers in this city, Messrs. Paid & Sage, have done very little business for them of late. Regarding their assets very little is known, except that they have sugar plantations in Cuba, but which are in such a disturbed condition that no estimate as to value can be placed upon them. It is said that nearly all their indebtedness is due to foreign creditors.

There was filed yesterday in the County Clerk's office the assignment of Lehman Samuels and Levi Samuels, comprising the firm of Lehman Samuels & Bro., to Thomas Rafferty.

THE SEVENTH'S NEW ARMORY.

The laying of the corner stone of the new armory of the Seventh regiment, which is to take place on the 4th prox., promises to be an imposing event. Secretary of State William M. Evarts has accepted the invitation to deliver the oration, and Governor Robinson, Mayor Ely and hundreds of other prominent gentlemen have signified their intention to be present. The presence of the Masonic fraternity in force will also add to the interest. The subscription list in the meantime continues to increase. Recently one of the principal merchants of the city took the matter vigorously in hand and solicited subscriptions among the financial institutions. His success is reported as highly encouraging. The funds are under the control of the trustees—Lenox Kennedy, Royal Phelps and W. W. Aster.

THE FUENTES SEIZURE.

WHAT INTERESTED PARTIES SAY CONCERNING IT—HOW CUSTOM HOUSE EMPLOYES VIOLATE THE LAW—VERY CONTRADICTORY STATEMENTS.

The history of the seizure of Mr. Fuentes' alleged smuggled goods, as published in Tuesday's HERALD, has been the means of throwing much needed light on that strange transaction. The reports which were given to the press by interested parties were so inconsistent and contradictory that the plain and matter-of-fact statement as detailed by Mr. Juttrand, although many of the allegations bore heavily on a few Custom House inspectors, presented the case in an entirely different aspect. Not wishing to rely on ex parte statements a HERALD reporter investigated the case more fully yesterday and ascertained the views of several leading Custom House officials concerning certain allegations contained in Mr. Juttrand's statement, where it was alleged that Mr. Fuentes had paid $1,700 to an emigrant agent of the Erie Railway, a Mr. Allien, who represented that that amount was necessary to pay the duty on Mr. Fuentes' merchandise.

The case which Mr. Caldwell, Mr. Fuentes' counsel, and Messrs. Bischoff and Leary, who were retained by Allien, make out against Captain Brackett and the Custom House inspectors is reduced to a few propositions:—

First—If the goods were smuggled how did that fact escape the notice of the Custom House inspectors? The nature of the merchandise was recorded on the declaration; their dutiable value was known to the inspectors; it was their duty then to keep the goods in bond until they were shipped to their destination.

Second—If the inspectors were deceived by false representations that the goods were in transit and not for consumption still it was the duty of the inspectors to examine the trunks and to ascertain if the contents agreed with the declaration.

Third—There was no effort made on the part of Mr. Fuentes to deceive the customs inspectors. He is a merchant of repute, a total stranger in this country, ignorant of its laws and language, and he is simply the victim of misplaced confidence.

Fourth—If Mr. Fuentes, as alleged, violated the law when those supposed smuggled goods were seized by Captain Brackett why was Mr. Fuentes let go at large for nearly three months and a warrant only got out for his arrest when the fact became known that, to avoid imprisonment, Mr. Fuentes had "taken French leave?"

VARIOUS STATEMENTS.

Captain Brackett was not disposed to discuss the subject, inasmuch as there was a warrant out for the arrest of Fuentes. The case was thoroughly investigated, he said. He had done his duty in the premises, and was not afraid to have his official conduct in connection with the case investigated. He had prepared a report which had been sent to the Secretary of the Treasury which would give a correct history of the whole transaction. Inspector Pollock was suspended; but, Captain Brackett said, not on charges growing out of Fuentes' troubles. Perhaps there was some irregularity on the part of the inspectors in not more closely examining the value of the merchandise.

Collector Arthur was closeted with Mr. Thurlow Weed, and could not be seen. Secretary Phillips, however, vouchsafed the desired information. He had been informed that inspectors sometimes passed dutiable goods in transit to a foreign country on the sworn statement of the owner that they were not for consumption in this country. Such a proceeding on the part of the inspectors was illegal, and the Collector was surprised when informed for the first time yesterday that such a system prevailed.

Deputy Surveyor Benedict had nothing to say on the subject. The law which governed merchandise in transit, he said, was included in section 2,803 and reads as follows:—

Any baggage or personal effects arriving in the United States in transit to any foreign country must be delivered by the parties having it in charge to the collector of the proper district, to be by him retained without the payment or exaction of any import duty, and to be delivered to such parties on their departure for their foreign destination, under such rules, regulations and fees as the Secretary of the Treasury may prescribe.

Mr. Allien, the agent, makes affidavit that he never received any money from Fuentes, and that he never paid $200 or any sum of money to Pollock; but Fuentes and Juttrand as stoutly maintain that $1,700 was paid to Allien, and that he admitted having received $200, which, he said, he paid over to Inspector Pollock to pass Fuentes' merchandise. So far as ascertained Allien is a man who bears a good reputation; he has been connected with the Erie Railway for nearly two years in the capacity of passenger agent. Mr. Buckley, ticket agent of the Erie Railway, states that he has intrusted thousands of dollars' worth of tickets to Allien, and that the