SAVINGS BANKS.

Consternation Among the Depositors of the Sixpenny.

THEIR FIRST ACTION.

Nine Additional Reports of New York City Savings Institutions.

ASSETS AND LIABILITIES.

Before the great city was fairly awake yesterday morning poorly clad men and women straggled up the steps of the Sixpenny Savings Bank building, peered anxiously through the bars of the iron doors for a moment, and then loitered in a disconsolate way about the sidewalk. Before eight o'clock a considerable crowd had collected, and as all were suffering from a common cause they fell into conversation and exchanged bitter comments concerning the managers of the bankrupt institution. As the forenoon wore on and the great iron gates remained tightly closed many departed, lamenting their bad luck in having deposited their savings in the bank. It was rumored after a time that the officers were in the building, having entered it through the Broadway door. The crowd immediately flocked thither but were met by a policeman who drove them off alleging that they obstructed the street and interfered with the business of other parties in the building.

It began to rain, but the crowd still remained, many waiting about the Astor place entrance and others lining the opposite sidewalk and gazing with despair upon their faces at the implacable walls behind which they believed their money was held. Occasionally the carriage of a wealthy depositor drove up, but no one was admitted to the bank; there was no way of even sending a message to the directors, supposed to be in counsel inside, and these soon drove off again. But the mass that lined the street held its place. One pale, wan old woman, in thin and faded garments, stood upon the steps with her bare fingers clutched in her gray hair, and her sunken eyes, betokening a sleepless night, fixed upon the slip of paper posted up inside the bars, "The business of this bank is suspended until further notice." The rain pelted upon her upturned face unheeded as she swayed her body to and fro, moaning in despair. A brief conversation with her elicited a pitiful story.

ONE OF THE UNFORTUNATES.

Left a friendless widow ten years ago, she had earned a scanty livelihood by washing and ironing, and, looking forward to the not distant time when she would be too old to work, she had deprived herself of all the humble comforts of life, and even some of its necessaries, that she might provide for her old age. One week ago her savings amounted to $1,000, and, as her health was failing, she determined to remove from the city, and with her little fortune eke out a quiet existence with some friends in New Jersey. The news of the bank's failure almost unsettled her mind, and it was impossible to make her believe that she would ever recover a dollar of her hard earned treasure. There were many like her in the crowd. There were scores of honest-looking, thrifty workingmen, whose patched garments denoted the sacrifices and self-denials they had undergone "to put fine clothes upon the backs of the thieves," as they expressed it. A very large proportion of the assemblage consisted of working girls. Some of these wept bitterly, while the faces of others hardened into fierce, desperate lines that indicated an utter recklessness as to their future life.

As the bank had received deposits as small as five cents, a large number of errand boys, newsboys, bootblacks and other members of the army of juvenile workers were among its creditors. These were very largely represented in the waiting throng, and their pompous allusions to their bank accounts brought a smile to many an anxious face. A number of the despairing depositors whose needs were pressing disposed of their passbooks for a mere song to speculators who took advantage of their unfortunate position. This came to the ears of the officers within and a slip of paper with the inscription, "Depositors are advised not to sell their books at a sacrifice," was pasted on the inside of one of the glass doors and caused a derisive laugh among the watchers outside.

MEETING OF THE OFFICERS.

The officers of the bank remained in consultation in the office of an insurance company in the bank building all day long. Night fell and the disconsolate depositors trudged wearily to their homes, making room for others, who, employed during the day, hurried when released from their work to the bank and stood in groups gazing at the wall which they believed stood between them and their money. The officials of the bank still remained in session.

About nine o'clock the writer called and had a conversation with President Miles. That gentleman stated that the officers were then engaged in selecting two of their number to go to Albany this morning and endeavor to show cause to the Attorney General why the bank should not be placed in the hands of a receiver. Mr. Miles said he did not intend to go himself. "If the bank had been let alone," he said, "there is no doubt we would have paid every cent of our deposits." He had no doubt that, as it is, seventy-five per cent would be paid. The special examiners, he said, have greatly undervalued the assets of the institution.

NOT HOPEFUL.

In reply to a question whether he believed the officers could make out a satisfactory case before the Attorney General Mr. Miles said he could not tell. The amount to be realized by the depositors would depend very much upon the character of the receiver. In regard to the statement that money had been paid out by the tellers after the order of the court suspending the bank Mr. Miles said he believed it was true. "When the order was presented to me," he said, "I gave orders to close at once, and went down town to see one of the trustees. In my absence money was paid out, but I believe not more than $2,000. Of course it was wrong, and I am sorry for it."

Mr. Miles admitted that the bank had paid interest upon daily balances "in a few cases." This he considered to be perfectly legitimate for a savings bank, but they did not pay so much as ordinary banks. He denied that the bank had ever certified checks. In the case of a few accounts money was paid out upon checks without the presentation of the passbooks. Mr. Miles attributed the failure of the institution chiefly to the depreciation of its assets. He said that the bank now holds upward of $700,000 in securities which could be realized at once, consisting of United States, New York city and Brooklyn city bonds.

THE DEPOSITORS' ACTION.

A number of the depositors met yesterday at No. 318 Broadway and issued a call for a meeting of depositors to be held to-morrow afternoon, at three o'clock, in the First District Court room, corner of Chambers and Centre streets, "to devise measures for their own protection."

ASSETS AND LIABILITIES.

The following are the assets and liabilities of the Sixpenny Savings Bank of the city of New York upon the 9th day of March, 1878, as found upon examination made by the direction and authority of the Superintendent of the Bank Department:—

ASSETS.

	Market Value.
Bonds and mortgages—	
Second and properly executed; abstracts of title produced	$169,390
Apparently secured and properly executed, but no abstracts of title produced	84,120
Insufficiently secured and properly executed; abstracts produced	161,250
Insufficiently secured, not properly executed; abstracts produced	25,600
Insufficiently secured and no abstracts produced	71,423
Total	$511,783
Doubtful or bad	$297,603
Deduct for probable loss on same	45,500
Balance	$252,103
Real Estate—	
On Third avenue and 107th street; No. 236 East Forty-ninth street; No. 25 East 111th street; No. 518 East 119th street; Tuckahoe, East Chester; No. 744 Broadway, cost $99,576	
Estimated loss	45,581
Present value as per recent appraisal	$53,934
Taken out of bonds and mortgages	$7,300

	Rate of Int.	Amount at Par.	Market Value. Rate.	Amount.
Mercantile Trust Company's stock—				
346 shares at $100	—	$34,500	80	$27,600
United States bonds—				
6's, '81, registered	6.00	10,500	106⅝	11,169
5-20s, '68, register'd	6	60,000	109	65,400
5-20s, '67, register'd	6	42,000	108¾	45,675
5-20s, '67, register'd	6	50,000	108¾	52,375
5-20s, '67, coupon	6	50	108¾	53
State of Texas bonds	—	10,000	105	10,815
State of Texas bds, '95	7*	20,000	112	22,400
State of Texas bds, '88	7*	17,000	110	18,700
North Carolina—				
Int. pd to July, '78	6	35,000	39	13,650
New York City Bonds—				
Tax relief, '79	7	47,000	104	48,880
Consolidated stock, 1900	7	107,000	117¾	126,278
Soldiers' bounty, '97	7	5,000	116½	5,825
Improvem't stock, '89	7	87,000	111	96,570
Soldiers' bounty, '83	6	5,000	102	5,100
Croton Water, '83	6	1,000	101½	1,015
Accrued debt, '84	—	1,000	108	1,020
Improvem't stock, '82	—	6,000	106	6,360
Soldiers' Sub. and Relief, '80	—	1,000	102½	1,025
Assessm't fund, '87	—	11,000	104	11,960
Accum. debt, '81	—	10,000	110	11,000
Central Park, '89	—	6,000	103	6,202
Accum. debt, '88	—	15,000	110½	16,575
Accum. debt, '86	—	22,400	110	24,640
Accum. debt, '83	—	28,000	109½	31,645
Morris'a, an 95-11	—	17,000	106	18,020
Peekskill, '94	—	5,000	108	5,150
Brooklyn—				
Bridge bonds, '19	—	10,000	117	11,700
Tenth av. o'ds, '82	—	1,000	105	1,050
Tenth av. dam, '79	—	9,000	102	9,180
N. Y. Bridge, 1905	—	5,000	117	5,850
Soldiers' Aid, '90	—	1,000	111	1,110
Soldiers' Aid, '86	—	4,000	109	4,360
Soldiers' Aid, '93	—	1,000	113½	1,135
Soldiers' Aid, '85	—	2,000	108½	2,170
Improvement, '85	—	8,000	108½	8,680
Improvement, '80	—	2,000	100	2,000
Syracuse, 1900	—	41,000	108	44,280
Poughkeepsie, '95	—	19,000	111	21,090
Total				$712,058
Call loans				$28,140
Cash on hand				29,014
Cash in Nassau Bank				22,208
Cash in Butchers and Drovers' Bank				1,392
Cash in Park National Bank				1,412
Cash with J. J. Cisco & Son				1,991
Accrued interest on loans				1,200
Accrued interest on bonds and mortgages				10,683
Accrued interest on stocks (mercantile)				—
Assessments, taxes and insurance advanced by bank				1,552
Furniture, fixtures and safe				5,000
Total assets				$1,728,146

LIABILITIES.

Amount due depositors	$1,760,132	
Interest due depositors from August 1, 1877, to March 9, 1878	48,137	
Unsettled claim of attorney	2,301	
		$1,810,571
Deficiency of assets		$82,425

	Rate of Interest.	Amount at Par.	Revenue.
Bonds and mortgages	7	$763,886	$53,472
United States bonds	6*	10,000	650
United States bonds	6*	152,650	9,159
State, city, county, town and village bonds	7†	456,100	31,927
State, city, county, town and village bonds	6†	24,900	1,494
State bonds, Texas	10†	10,300	1,030
State bonds, Texas	7*	37,000	2,590
State bonds, Nor. Carolina	6†	35,000	2,100
Call loans	7	28,740	2,011
Real estate	—	—	816
Premium on gold interest	1¼ on	10,852	135
Total revenue			$105,365

Charges

Interest to depositors	$87,500
Salaries	14,300
Rent	5,000
Internal revenue tax	743
All other charges	7,963
	$115,506
Deficiency in income	$10,141

*Gold. †Currency.

THE PEOPLE'S SAVINGS BANK.

As already published in the HERALD, a suit was recently instituted by Isaac V. French, receiver of the People's Savings Bank, against John W. Salter, a trustee of the bank, to recover damages arising from the purchase of North Carolina bonds below par, and which afterward greatly depreciated in value. A motion in this suit was recently made before Judge Daniels to strike out portions of the complaint as redundant and irrelevant. A decision was given yesterday by Judge Daniels on this motion, on which he writes a long opinion. He denies the motion excepting in one or two unimportant particulars. He holds that in charges of this character there should be the most rigid examination. The same receiver has commenced a suit against Henry H. Van Dyck, formerly Bank Superintendent and United States Sub-Treasurer, to charge him as a trustee, also, with the deficiency in the assets of the savings bank, caused by the purchase of the same bonds, which afterwards became worthless. Mr. Van Dyck has retained Elliott F. Shepard to defend him, who intends to raise the legal question of liability by demurrer.

SAVINGS BANK REPORTS—CONDITION OF CITY BANKS AT THE BEGINNING OF THE YEAR.

ALBANY, March 27, 1878.

Following are nine additional reports of the condition of New York city savings banks, as certified to the department on the 1st of January, 1878:—

BANK FOR SAVINGS.

Resources.

	Cost.	Market Value.	
Bonds and mortgages			$5,141,150
Stock Investments.			
United States	$13,393,964	$13,140,362	
New York State	3,058,116	3,052,000	
Cities in this State	4,223,919	4,362,586	
Counties in this State	530,955	568,030	
Total stocks	$21,206,955	$21,122,978—	21,206,955
Banking house and lot at cost			175,000
Other real estate at cost			107,461
Cash on deposit in banks or trust companies			769,423
Cash on hand			67,300
Interest due and accrued			378,716
Total			$27,846,007

Liabilities.

Due depositors	24,520,409
Excess of market value over cost of stocks	83,977
Total liabilities	$24,604,387
Surplus	$3,241,620

Statistical.

Number of open accounts January 1, 1878	74,043
Amount deposited during 1877	$5,242,835
Amount withdrawn during 1877	5,256,776
Interest credited and paid for 1877	994,132
Expenses for last six months, including salaries	28,493
Rate of interest paid depositors, 4 and 5 per cent.	
Present appraised value of real estate	182,000

This bank reported January 1, 1877:—Due depositors, $23,540,218 20; surplus, $3,869,256 28; open accounts, 71,613.

GREENWICH SAVINGS BANK.

Resources.

	Cost.	Market Value.	
Bonds and mortgages			$3,505,833
Stock Investments.			
United States	$3,667,372	$3,545,578	
New York State	517,736	576,140	
Ohio	52,007	56,710	
Missouri	183,719	200,720	
Rhode Island	101,000	110,000	
Connecticut	36,723	35,040	
New Hampshire	124,850	133,704	
Maine	50,500	53,000	
Massachusetts	301,435	315,445	
Cities in this State	3,746,076	3,966,165	
Counties in this State	86,700	88,400	
Total stocks	$8,869,120	$9,012,503—	8,869,120
Banking house and lot at cost			136,685
Other real estate at cost			20,229
Cash on deposit in banks or trust companies			1,400,729
Cash on hand			66,641
Excess of market value over cost of stocks			143,582
Interest due and accrued			182,992
Premiums of insurance			108
Total			$14,325,722

Liabilities.

Due depositors	$12,938,555
Surplus	$1,387,167

Statistical.

Number of open accounts, January 1, 1878	34,589
Amount deposited during 1877	$3,693,747
Amount withdrawn during 1877	3,669,197
Interest credited and paid for 1877	524,805
Expenses for last six months, including salaries	23,990
Rate of interest paid depositors, 4 and 5 per cent.	
Present appraised value of real estate	130,882

This bank reported January 1, 1877:—Due depositors, $12,329,200 39; surplus, $1,339,580 09; open accounts, 33,162.

GERMAN SAVINGS BANK.

Resources

	Cost	Market Value.	
Bonds and mortgages			$4,224,744
Stock Investments.			
United States	$4,531,508	$4,361,548	
Rhode Island	100,000	106,000	
Connecticut	50,000	53,000	
Indiana	215,000	217,150	
Missouri	928,200	928,545	
Cities in this State	10,000	10,100	
Total stocks	$5,834,768	$5,676,343—	5,834,768
Loaned on stocks as authorized by laws of 1875			67,000
Banking house and lot at cost			550,000
Other real estate at cost			129,516
Cash on deposit in banks and trust companies			394,160
Cash on hand			405,515
Interest due and accrued			142,685
Other assets not included above			18,334
Total			$11,966,724

Liabilities.

Due depositors	$10,883,274
Excess of cost over market value of stocks	158,424
Total liabilities	$11,041,699
Surplus	$725,025

Statistical.

Number of open accounts January 1, 1878	25,472
Amount deposited during 1877	$3,253,334
Amount withdrawn during 1877	5,215,975
Interest credited and paid for 1877	448,571
Expenses for last six months, including salaries	31,072
Rate of interest paid depositors, 4 and 5 per cent.	
Present appraised value of real estate	114,684

This bank reported January 1, 1877:—Due depositors, $12,209,343 31; surplus, $937,809 29; open accounts, 25,093.

MANHATTAN SAVINGS INSTITUTION.

Resources.

	Cost.	Market Value.	
Bonds and mortgages			$3,323,312
Stock Investments.			
United States	$1,849,271	$1,772,250	
New York State	32,000	36,800	
Cities in this State	1,633,811	1,671,985	
Towns in this State	48,000	50,000	
Total stocks	$3,563,082	$3,531,035—	3,563,082
Loaned on stocks as authorized by laws of 1875			252,100
Banking house and lot at cost			170,000
Other real estate at cost			214,985
Cash on deposit in banks or trust companies			864,929
Cash on hand			226,471
Accrued interest			76,433
Interest due			302
Total			$8,691,617

Liabilities.

Due depositors	$8,164,538
Excess of cost over market value of stocks	32,047
Total liabilities	$8,196,586
Surplus	$495,031

Statistical.

Number of open accounts January 1, 1878	17,510
Amount deposited during 1877	$2,364,479
Amount withdrawn during 1877	3,377,129
Interest credited and paid for 1877	372,281
Expenses for last six months, including salaries	22,961
Rate of interest paid depositors, 4, 5 and 6 per cent.	
Present appraised value of real estate	390,000

This bank reported January 1, 1877:—Due depositors, $8,808,329 09; surplus, $622,156 04; open accounts, 17,072.

EAST RIVER SAVINGS INSTITUTION.

Resources.

	Cost.	Market Value.	
Bonds and mortgages			$2,509,675
Stock Investments.			
United States	$2,297,243	$2,203,346	
Missouri	19,000	20,800	
Ohio	13,097	14,144	
Cities in this State	2,220,849	2,281,418	
Counties in this State	8,061	8,240	
Towns in this State	94,429	70,100	
Total stocks	$4,623,281	$4,598,048—	4,623,281
Loaned on stocks as authorized by laws of 1875			242,825
Banking house and lot at cost			45,000
Other real estate at cost			26,360
Cash on deposit in banks or trust companies			389,601
Cash on hand			30,067
Interest due and accrued			82,689
Rents due and accrued			2,062
Total			$7,951,061

Liabilities.

Due depositors	$7,288,128
Excess of cost of stocks over market value	25,232
Total liabilities	$7,313,361
Surplus	638,299

Statistical.

Number of open accounts January 1, 1878	12,516
Amount deposited during 1877	$2,211,549
Amount withdrawn during 1877	2,844,655
Interest credited and paid for 1877	362,658
Expenses for last six months, including salaries	16,100
Rate of interest paid depositors, 4, 5 and 6 per cent.	
Present appraised value of real estate	83,000

This bank reported January 1, 1877:—Due depositors, $7,508,379 38; surplus, $675,734 02; open accounts, 11,987.

INSTITUTION FOR THE SAVINGS OF MERCHANTS' CLERKS.

Resources.

	Cost.	Market Value.	
Bonds and mortgages			$1,084,800
Stock Investments.			
United States	$2,063,556	$2,567,482	
New York State	170,801	178,612	
Massachusetts	100,379	107,562	
Ohio	1,002	188,148	
Cities in this State	393,509	407,549	
Total stocks	$3,508,128	$3,449,353—	3,508,128
Banking house and lot at cost			100,465
Cash on deposit in banks or trust companies			112,832
Cash on hand			27,592
Interest due and accrued			27,203
Rent accrued			812
Total			$4,861,635

Liabilities.

Due depositors	$4,411,558
Excess of cost of stocks over market value	58,773
Total liabilities	$4,470,332
Surplus	391,303

Statistical.

Number of open accounts January 1, 1878	9,953
Amount deposited during 1877	$1,412,839
Amount withdrawn during 1877	1,515,497
Interest credited and paid for 1877	212,744
Expenses for last six months, including salaries	12,207
Rate of interest paid depositors, 5 and 6 per cent.	
Present appraised value of real estate	100,465

This bank reported January 1, 1877:—Due depositors, $4,191,471 35; surplus, $546,366 16; open accounts, 9,687.

NEW YORK SAVINGS BANK.

Resources.

	Cost.	Market Value.	
Bonds and mortgages			$968,000
Stock Investments.			
United States	$228,921	$270,009	
Michigan	13,448	15,900	
Cities in this State	1,335,141	1,445,827	
Counties in this State	144,289	165,279	
Towns in this State	186,972	160,500	
Totals	$1,908,773	$2,057,647—	1,908,773
Stocks of Jersey City and Hudson county, N. J.	172,531	205,012—	172,531
Loaned on stocks, as authorized by laws of 1875			94,530
Banking house and lot at cost			85,910
Cash on deposit in banks or trust companies			169,034
Cash on hand			34,705
Excess of market value over cost of stocks			181,304
Accrued interest			44,725
Other assets, not included above			1,697
Total			$3,661,282

Liabilities.

Due depositors	$3,148,113
Surplus	$513,169

Statistical.

Number of open accounts January 1, 1878	8,358
Amount deposited during 1877	$1,622,816
Amount withdrawn during 1877	1,727,411
Interest credited and paid for 1877	146,764
Expenses for last six months, including salaries	9,958
Rate of interest paid depositors, 5 per cent.	
Present appraised value of real estate	75,000

This bank reported January 1, 1877:—Due depositors, $3,105,846 46; surplus, $479,856 96; open accounts, 8,300.

HARLEM SAVINGS BANK.

Resources.

	Cost.	Market Value.	
Bonds and mortgages			$377,650
Stock Investments.			
United States	$83,412	$74,700	
Cities in this State	200,669	214,900	
Counties in this State	1,000	1,000	
Towns in this State	6,180	6,180	
Totals	$291,262	$296,840—	291,262
Loaned on stocks as authorized by laws of 1875			1,200
Banking house and lot at cost			46,000
Other real estate at cost			6,686
Cash on deposit in banks or trust companies			25,144
Cash on hand			7,214
Excess of market value of stocks over cost			5,578
Interest due and accrued			11,246
Rents due			185
Total			$777,087

Liabilities.

Due depositors	$720,101
Surplus	$56,985

Statistical.

Number of open accounts, January 1, 1878	4,868
Amount deposited during 1877	$422,752
Amount withdrawn during 1877	551,318
Interest credited and paid for, 1877	25,698
Expenses for last six months, including salaries	2,895
Rate of interest paid depositors, 5 and 6 per cent.	
Present appraised value of real estate	46,000

This bank reported, January 1, 1877:—Due depositors, $812,969 02; surplus, $55,793 16; open accounts, 4,995.

ELEVENTH WARD SAVINGS BANK.

Resources.

	Cost.	Market Value.	
Bonds and mortgages			$113,500
Stock investments—			
District of Columbia, 3.65; cost, $7,200; par value, $10,000; market value, $7,650			7,200
Loaned on stocks, as authorized by laws of 1875			10,000
Cash on deposit banks or trust companies			18,140
Cash on hand			8,940
Loaned on collaterals			2,114
Accrued interest			1,093
Excess of market value over cost of stocks			450
Total			$161,898

Liabilities.

Due depositors	$160,367
Surplus	$1,531

Statistical.

Number of open accounts January 1, 1878	2,253
Amount deposited during 1877	$301,994
Amount withdrawn during 1877	498,623
Interest credited and paid for 1877	8,073
Expenses for last six months, including salaries	1,726
Rate of interest paid depositors, 5 per cent.	

This bank reported January 1, 1877:—Due depositors, $260,035 20; surplus, $1,042 54; open accounts, 2,566.

THE COURTS.

A Grocer's Credulity Brings Him to Grief.

ALLEGED ASSIGNMENT FRAUD.

Troubles of a Bride in Paying Her Wedding Expenses.

August Etzel, who was formerly a German grocer in Hudson street, brought a suit against John and Frank Byrne, the trial of which was concluded yesterday, before Judge Sedgwick, in the Superior Court. The facts of the case, as shown in the testimony, are somewhat peculiar. It would appear from the testimony of the plaintiff, who was the first witness called, that one evening in March, 1873, when he was in the grocery business, a customer of his brought John Byrne to his store and introduced him. The latter said he wanted to buy a grocery store for his brother, and inquired of Etzel whether he would sell. No purchase was arranged at that time, but a few days subsequently the two Byrne brothers came again to plaintiff's store, and, after some conversation, finally prevailed upon him to take $4,000 for it. The plaintiff insisted on cash, but the Byrnes stated that they had something better than cash; that they had railroad bonds of the Springfield and Illinois Southeastern Railway Company, and would give him four of such bonds for his store, and that the bonds were for $1,000 each, and both principal and interest were payable in gold at the Farmers' Loan and Trust Company of this city. They showed him a prospectus of the road and used every effort to induce him to accept the bonds. The plaintiff, however, still hesitated, and with intent to remove any lingering doubts he might have on the subject he says they took him to an office in Pine street, where they introduced him to a gray-haired man whom they represented to be the vice president of the road. The latter glowingly described the benefits liable to accrue to the plaintiff from the investment, and the air of respectability which surrounded the whole affair finally removed the last remaining doubt, and the plaintiff took four of the bonds for his store. After he had taken the four bonds, John Byrne told him that they had six bonds and could not break them, and since it required $2,000 more to complete their stock, he should give them that amount in cash and take the bonds. This the plaintiff did, and the bargain was completed. About two weeks after this transfer the defendants sold out the store at auction and went away. The plaintiff's suspicions being aroused, he went to the office of the Farmers' Loan and Trust Company where he discovered that no interest had ever been paid on the bonds, and further, that the bonds were worthless. He also made an examination at the office in Pine street, when he discovered that the gray-haired man had gone. Some time afterward he had John Byrne arrested. The defendants claimed that the transaction was in good faith and that their statements in reference to the bonds were true, but that the same became valueless after the transfer on account of the bankruptcy of the road. The jury found a verdict for $3,363 on the plaintiff.

ALLEGED FRAUD IN ASSIGNMENTS.

In 1871 James W. Brett being, as alleged, heavily in debt, with judgments against him, had certain property in Flushing conveyed to his wife. It was subsequently mortgaged for $16,000 by Brett and wife, and afterward the property was conveyed to Edward C. Berrian, subject to the mortgages. At that time Mr. Berrian owned a house and lot at Whitestone, L. I. In October, 1876, proceedings were instituted to foreclose the mortgages on the Flushing property and Berrian at the same time executed to his father-in-law, Clarence Ogden, a mortgage of $3,000 on the Whitestone property and one of $800 on the furniture of his house, No. 34 West twenty-fourth street, in this city. A deficiency judgment was docketed against Berrian on the foreclosure, and on supplementary proceedings Berrien swore that the moneys for which he had given the mortgages to Ogden were in fact advanced by Ogden, and the latter, in January last, testified that he had advanced the money to Mr. Berrian to enable him to build his house at Whitestone, in 1871, but had omitted until the month of October, 1876, to take any security for such advances. On the 8th of February last a verdict was obtained against Ogden by Messrs. McIntyre and Gawtry for $500. Execution being returned unsatisfied Ogden was again examined in supplementary proceedings, and, to the astonishment of Messrs. Gawtry and McIntyre, testified that on the same day the verdict against him had been removed he had assigned the mortgages in question to his wife, Pullomena Ogden; that the moneys had in fact belonged to her, but that the reason he took the mortgages in his name was that he did not want to hamper her with the business. Edward C. Berrian, his wife Dora Berrian, the daughter of Mrs. Clarence Ogden; Mrs. Clarence Ogden, Messrs. Sloane, the carpet men; Sypher, dealer in furniture, to whom Mrs. Clarence Ogden is indebted, were examined most rigidly by Henry H. Morange, counsel for Gawtry and McIntyre. An application on the testimony taken for an order compelling Clarence Ogden and wife to execute an assignment of these mortgages to a receiver for the purpose of having the same sold and the proceeds applied to the payment of the judgment was made yesterday before Judge Lawrence, and opposed by Mr. Sandford for the Ogdens. Judge Lawrence took the papers.

GUARDIAN AND WARD.

In the Surrogate's Court yesterday Mr. C. A. Runkle made a motion to confirm the report of the auditor appointed to examine the accounts of Mary C. Halsey, of this city, guardian of Anna F. Tuttle, deceased, who died in Newark in 1875. In 1868 her father died, leaving her an orphan and a policy of insurance on his life for $3,700, which was all the property she had. Surrogate Hutchings subsequently appointed Mrs. Halsey the guardian, and she collected the money, of which she gave $3,000 to one of her sureties, Mr. Coggeshall, to invest in bond and mortgage. He never invested it, but paid Mrs. Halsey interest on it from time to time. Subsequently he returned it. In December, 1872, the ward, who was then of age and lived in Newark, was married to Frederick L. Meeker, of that city. At that time her guardian had still in her hands about $2,300. The bride incurred a bill of $165 for wedding expenses, and applied to her guardian for money to pay it. The guardian went to her brother, Mr. Halsey, of this city, who prepared a receipt for $165 and embossed in it a general release of the guardian from all liability as guardian, and that she had never account for the balance of $2,200. The ward signed this without the knowledge of her husband. It was not witnessed or acknowledged. On the accounting the objection was taken to that release as invalid on the ground that by the law of New Jersey the release, to be valid, should have been acknowledged by her separate and apart from her husband, and that her husband should have joined in the release. Mr. A. F. Gerlitz contended in opposition that a married woman in New Jersey can dispose of her property precisely as a femme sole. The opposing counsel then tendered their briefs to Surrogate Calvin, who will soon give his decision.

SUMMARY OF LAW CASES.

Judge Lawrence gave his decision yesterday in the second habeas corpus proceedings taken by the parents of the three little Italian girls, Luigi Garbarelli, Luigi Corsica and Rosa Corsica, for their discharge from the Catholic Protectory. He dismisses the writ, saying the former decision is a bar to the proceedings.

A writ of certiorari was granted yesterday by Judge Lawrence to review the proceedings of Judge Kelly in the suit of ejectment brought by James H. Breslin and Edward C. Purcell against John H. Connolly, Matilda G. Atwood and Louis Ruhe.

The case of Alexander McLane, indicted for manslaughter, in having caused the death of Michael Harden, a driver on the Fourth avenue road, whom he forcibly ejected from the saloon of Wipin Brothers, Fourth avenue and Thirty-first street, in November last, was called for trial yesterday in the Court of Oyer and Terminer; but the prosecution not being ready the case went over indefinitely.

A shoemaker named George Watson, of No. 124 Wooster street, was caught in the act of committing a burglary on the premises of James Nolan, No. 453 Third avenue. He pleaded guilty, and Recorder Hackett yesterday sent him to the State Prison for three years.

John Short, alias Jeremiah Cummins, who said he lives at No. 520 First avenue, was caught in the act of stealing a brown horse, valued at $200, from the stable of Edward De Cordova, No. 156 East twenty-fourth street. When arraigned in the Court of General Sessions yesterday the prisoner pleaded guilty, and Recorder Hackett sentenced him to be imprisoned for two years and six months.

Some time since the city brought a suit of ejectment against William Remson and Henry Hart to recover premises lying outside of high water mark of the Harlem River. The city was beaten in the suit, and yesterday Judge Lawrence added to the city's legal expenses by giving $1,000 extra allowance to the defendants.

In the case of David Maran, a dry goods pedler, seventy-two years old, who is charged with receiving stolen goods, the property of H. B. Claflin & Co., and whose trial was continued yesterday before Judge Sutherland in the Court of General Sessions, the jury retired, and being unable to agree at six o'clock, were locked up for the night.

In the Marine Court yesterday Judge McAdam issued an attachment against George H. M. Jacobson, an attorney, to commit him to Ludlow Street Jail for ten days for contempt of court in having entered a "bogus" judgment against his client for the purpose of keeping off other creditors.

Minnie Watson, the alleged hotel thief, whose depredations are said to have been extensive and who was brought to this city from Boston a short time ago, was yesterday arraigned for trial by Assistant District Attorney Bell in Part 2 of the Court of General Sessions. At the request of the detective who is working up the case the prisoner was remanded.

The trial of Peter Zinz for the larceny of $15,000 worth of malt, the property of John Shelley, of Hamilton, Ohio, was resumed yesterday before Recorder Hackett. Mr. Ira Shaffer summed up for the prisoner and Assistant District Attorney Rollins for the prosecution. The Recorder will submit the case to the jury to-day.

Messrs. Pelton & Poncbon, the lawyers, made application yesterday to Judge Lawrence for the sequestration of the property of the United States Postal Telegraph Company and appointment of a receiver. They state in their petition that an execution upon a judgment obtained by them in the Supreme Court for $1,920 90 against the company was returned unsatisfied, and hence the present application. Judge Lawrence stated that before taking any action in the matter he should require an undertaking.

The suit against the city before Judge Potter on the J. L. Brown contract for regulating, grading and filling First avenue from Ninety-second to 109th street was summed up yesterday by counsel and given to the jury. Instead of being required to give a general verdict they are called upon to answer specific questions, which are in substance:—First—Did the Contract Commissioners reach a decision on the contract within the ninety days to which their powers were limited? and second—Was the contract substantially performed? On the third allegation of fraud the defendant's case broke down by Tweed's refusing to testify and no evidence in that regard was put in. The jury was ordered to bring in a sealed verdict.

Recently Lesley E. Weston brought a suit against the New York Elevated Railroad Company to recover $25,000 damages for injuries sustained by slipping on the platform and breaking his leg, which laid him up for several months. The jury on the trial found in his favor for $9,000, and this judgment was affirmed by the Superior Court, General Term. A further appeal was taken to the Court of Appeals, and the plaintiff was again successful. The remittitur was yesterday filed in the Superior Court Clerk's office.

William R. Martin some time ago brought a suit against the Windsor Hotel Company for $54,200 for legal services. In supplementary proceedings in a suit brought by a judgment creditor Mr. William H. Clark was appointed receiver of Mr. Martin's property, including whatever of possible or probable property there might be in his suit against the hotel company. Upon the basis of this appointment Mr. Clark yesterday applied to Judge Lawrence for permission to continue the suit as receiver. The application was granted.

In the further trial yesterday of John A. Grow, the lawyer, before Judge Benedict, in the criminal branch of the