THE COURTS.

Mrs. McCloskey's Sanity and Right to Her Property.

AUDUBON PARK TITLES.

Contesting the Charitable Bequests of the Late John H. Power.

Mrs. Victorine M. McCloskey, the wife of Dr. Antonius F. McCloskey, is in her own right the beneficiary of a trust estate to a large amount, $10,500 of which is held by United States Senator Christiancy, of Michigan. The residuary heirs to this estate are Victorine Chamberlain, Cerita Jackson and Herman F. Jackson, three children of Mrs. McCloskey by a former husband. Prior to October, 1869, Mrs. McCloskey was a resident of Alexander, in Genesee county, this State, occupying there what is known as the "McCloskey Mansion," in which she owned a large interest. Her marriage with her present husband took place there in 1869, and in 1871 she and her husband (the Doctor) became residents of this city. In October of the latter year she received a letter from her daughter Victorine stating that her other daughter Cerita, then living at Alexander, was very ill, and requesting her to come and see her at once. The mother responded immediately in person, but on arriving at Alexander found that her daughter was not sick, and soon discovered, also, as she says, that the object of the letter was to get her within the jurisdiction of the county of Genesee. She had been there but a few days when a commission was appointed, which on the 24th of the same month declared her to be of unsound mind and incapable of caring for her person and estate. The petitioners in that proceeding were her three children and expectant heirs, and on the 2d of January, 1872, the Court made an order in that county appointing Jasper B. Lewis a committee of her person and estate. She then brought a suit in the Supreme Court, Special Term, of this city, in which she and her husband are plaintiffs and the lady's three children and the committee of her person and estate defendants. This suit was instituted on behalf of Mrs. McCloskey by her counsel, Messrs. Hatch & Van Allen, of this city, for the purpose of having the lunacy proceedings had in Genesee county set aside, to recover back what property has come into the hands of the committee since his appointment and to ascertain the position of the $10,500 held by Senator Christiancy in trust for Mrs. McCloskey. It is claimed by the lady's counsel that there never was any jurisdiction for the proceedings had in Genesee county, as at the time she was a resident of the county of New York, and the statute in relation to lunacy commissions could only apply in the county of which the party proceeded against is an actual resident. A short time since Mr. W. C. Watson, counsel for defendants in the suit, sought to have it removed to Genesee county, but upon plaintiff's counsel showing a formidable array of witnesses resident in this city, numbering no less than eighty, the Court denied the motion. The case came to trial before Judge Van Brunt yesterday, and had just been entered upon when Messrs. Watson and Peck, counsel for the defendants, again raised the question as to the proper place of trial. After some reflection Judge Van Brunt became of opinion that, while the plaintiffs had rights which they should have an opportunity to enforce, he thought the present trial must necessarily take the form of a review of the proceedings had in the court in Genesee county, and that the courtesy which this Court owed to that made it proper that the hearing should be had in that county. He therefore suspended the further trial of the case and remitted the parties to the county in which the original proceedings were had.

TITLES TO LAND IN AUDUBON PARK.

The decision of the Court of Appeals yesterday in the matter of the Department of Public Parks relative to the opening of the Boulevard above 155th street ends a litigation that has been full of contradictory decisions in all the lower courts. The proceeding involved the title to a strip of land in Audubon Park, Carmansville. In 1850 Dennis Harris sold a parcel of land to John Dailey fronting on Eleventh avenue and 157th street. Dailey claims that he bought to the centre of the street, but in his deed received from Harris in 1852 the boundary is along the north side of 157th street. Dailey fenced in the land in the street and held it, claiming title until 1873, when the same was taken for the Boulevard and the sum of $1,547 awarded therefor by the city. In 1868, however, Harris sold the land within the lines of 157th street to George B. Grinnell. Before the Commissioners of Estimate both Dailey and Grinnell claimed title to the land in the street, but the Commissioners refused to decide and awarded the money to "unknown owners." The report was thus confirmed September, 1873. Grinnell then brought this proceeding to obtain the money, making Dailey and the city parties, and it was referred to William N. Armstrong, referee. The latter reported in favor of Grinnell in January, 1875. The Special Term of the Supreme Court, in March following, set aside the referee's report and awarded the money to Dailey, with costs. Grinnell appealed to the General Term, where the matter was argued by ex-Judge Porter for Grinnell and Mr. Howe for Dailey, which in January, 1876, decided that neither Dailey nor Grinnell was entitled to the fund, but that the award having been made for land within the lines of a street dedicated to public use the city was entitled thereto, and ordered judgment accordingly, and afterward refused to hear a reargument. Grinnell then appealed to the Court of Appeals. The case was argued for Grinnell in March last by James A. Deering, Messrs. Woodruff and Howe for Dailey and the Corporation Counsel for the city. It was contended for the appellant that the deed from Harris to Dailey in granting by the north side of 157th street conveyed no part of the land in the street; that although Dailey may have bought to the centre and held possession for over twenty years, yet that he did not hold adversely to Harris; that the conveyances did not constitute a dedication for public use, and that the city had thereby acquired no title to the land or fund in question. The Court of Appeals sustains this view, and in the decision handed down yesterday reverses the orders of the General and Special terms of the Supreme Court, and directs payment of the money to Grinnell, with costs against the city.

THE POWER WILL CASE.

Argument was heard in Supreme Court, General Term, yesterday, on the appeal in the matter of the will of the late John H. Power, formerly a prominent lawyer and real estate operator, who died in this city in 1875, leaving a large property. Among other dispositions in his will was leaving one-third of his residuary real and personal estate to be distributed among such "Roman Catholic charities, schools, churches and institutions in the city of New York" in such proportion as his executors, or a majority of them, might deem best. The main question under argument was as to the validity of the clause referred to. The executrix, (plaintiff) asked for a judicial determination of it, inasmuch as otherwise the executors could not safely proceed in the disposition of the estate. It was contended that the clause was so indefinite as not to be within the classes of trusts permitted either by the common or statute law. A question also arose as to who would be entitled to the third, in case the clause was held invalid; whether the widow would have her distributive share therein, or whether the whole would vest in the next of kin or in the residuary legatee. Decision was reserved by the Court. Messrs. Gerard, Devlin and Dunning appeared respectively for the widow, the charities and the next of kin.

RAPID TRANSIT.

It has already appeared in the HERALD that the England Iron Company has commenced a suit against the Gilbert Elevated Railroad Company and the New York Loan and Improvement Company to recover $5,050,000. This suit was brought on an alleged contract to furnish iron for the construction of the Gilbert Elevated Railroad in this city. The contract was never performed on the part of defendant, and it is claimed that if it had been plaintiff would have realized as profits thereon the sum to recover which the suit has been brought. The defendants applied to the courts for additional time to answer, and also for an order compelling plaintiff to exhibit to them the documents on which the suit is based, the inspection of them being necessary to defendants in order to prepare their answer. The case came before Chief Justice Curtis, in Special Term of the Superior Court, yesterday, on argument of the motion of the defendants. The Judge granted the motion to the extent that defendants shall have ten days additional time within which to serve an answer, and that plaintiff shall grant them an inspection of the documents on which the suit is based.

THE LAW PROTECTING TRAVELLERS.

A suit somewhat peculiar in its features as well as being of importance to railroad travellers and railroad companies was concluded before Judge Van Hoesen and a jury, in Part 1 of the Court of Common Pleas, yesterday. Thomas S. Nelson is a dry goods commission merchant in Philadelphia, having a branch house in this city. On the 26th of November 1874, he took an evening train from Boston to this city and engaged a berth in a sleeping car on the line of the New York, New Haven and Hartford Railroad. In the morning he got out of his berth and went to the wash basin, and while engaged there a sudden concussion of the car occurred which threw him backward, and his head striking against a mirror he sustained injuries of the results of which he still complains. He thereupon brought the present suit against the company to recover $25,000 damages. There was no pretence on the trial that the plaintiff had in any way by his negligence contributed to the accident, and it appeared to be equally undisputed that the accident was caused by the servants of the company running the sleeping car under a shed, in doing which the car came in contact with a part of the building. The principal points disputed on the trial were the extent of the injury to the plaintiff, whether the condition of ill health of which he now complains was the result of that injury, and, if so, in what amount was he damaged thereby. It was claimed on the part of the plaintiff that he is now suffering from affections of the liver and spleen, pains in the back of his head and in his back and numbness of the limbs, some or all of which were the direct result of the original injury. On these points eighteen or twenty medical experts were examined, including Drs. Hammond, Ramsey and James R. Wood, of this city, and Drs. Loomis, Getchell and McBride, of Philadelphia. The doctors on the respective sides of the case on the question as to whether or not the injury would produce the present effects claimed by the plaintiff to have ensued therefrom differed in opinion as widely as doctors are proverbially known to do. The plaintiff was represented on the trial by Messrs. James M. Smith and Simon H. Stern and the defendant by Messrs. Childs & Barnett. The jury found in favor of the plaintiff and assessed his damages at $11,500.

PUBLIC SERVICES.

It is claimed by the widow and friends of the late John Lord that in his lifetime he was an officer of the Marine Court, and that for four months during the year 1872 he had not received any pay. His widow brought a suit against the city to recover the amount, $500, which was tried before Judge Speir and a jury, in Part 1 of the Superior Court, yesterday, the plaintiff being represented by Mr. Elliot F. Sandford and Mr. James Oliver, and the city by Assistant Corporation Counsel Miller. The defence was that the services had never been rendered, that no voucher for the amount had ever been presented to the Comptroller, and that the claim had never passed the Board of Audit in the year 1872, as required by statute. The law also requires that before a suit shall be brought against the city for the recovery of any claim a demand for the amount shall have been made on the Comptroller at least thirty days before the commencement of such action. In the course of the trial it appeared that the demand made in this case was for $400 instead of $500, and the point was taken on behalf of the city that no recovery could be had for any sum greater than the demand. This point the Court held to be well taken, and counsel for the plaintiff thereupon waived the extra $100. The jury had failed to agree at the hour of adjournment and were ordered to bring in a sealed verdict this morning. The main question given to them to consider was the performance of the services by the dead man during his lifetime.

"OWNEY" GEOGHEGAN INDICTED.

At about half-past three o'clock on the morning of the 9th of January last an altercation took place in Owen Geoghegan's saloon, No. 103 Bowery. An attack, the proprietor claims, was made upon him by James Martin alias Rose, said to be an ex-convict. Geoghegan, it is alleged, shot Martin in the abdomen. The wounded man staggered to a pile of lumber near the saloon and lay there until a police officer discovered him. On the 14th of the same month Martin died in Bellevue Hospital. Geoghegan, it is said, concealed himself for some days, as he averred, to baffle Captain Foley, whom he considered his bitter foe, but subsequently surrendered himself to Captain Caffrey. Geoghegan was acquitted by a Coroner's jury and his saloon was reopened under the name of the Windsor Palace. It was alleged that Geoghegan was interested in the concern. Testimony recently presented resulted in his indictment by the Grand Jury for the killing of Martin. The accused was arraigned yesterday, before Recorder Hackett, and pleaded not guilty. He was remanded for trial.

SUMMARY OF LAW CASES.

Judge Hunt, of the United States Supreme Court, opened court in the equity branch of the Circuit Court yesterday, and announced that he would hold court this week up to and including Friday next; on Monday, May 27, Chief Justice Waite would hold the court; appeals in admiralty would be heard first, and after that appeals in bankruptcy.

Judge Donohue, in Supreme Court, chambers, yesterday, appointed Isaac Giles guardian ad litem of the latter's little daughter, who is five years of age. She was injured on the 13th of the present month by a truck belonging to James Byrnes, and her father wishes to bring a suit to recover for her damages for such injuries.

Judge Donohue, in Supreme Court, Chambers, yesterday, referred to Richard Busteed the divorce case of Louis J. Lorin against Kate Lorin. The plaintiff says he married defendant in 1876, and subsequently discovered that at the time of the marriage she had and still has another husband living. Under these circumstances he wants the Court to cut him loose from her.

There were on the calendar yesterday in Part 1 of the Court of General Sessions fifteen complaints for violation of the Excise law, brought by Dr. Crosby's Society. Thomas Farrell and John Waters, of No. 84 Roosevelt street, and John P. O'Brien, of Thirty-second street and Seventh avenue, pleaded guilty and sentence was deferred until Friday. Counsel in the other cases applied for a postponement, stating that they were not ready to go to trial. Recorder Hackett allowed them to stand over until Friday next.

In the case of Henry M. Walter, who, it is alleged, attempted, on the evening of the 19th of April, the murder of his wife Annie, known as "Blonde Annie," at No. 38 Stanton street, by cutting her throat with a razor and then attempted to kill himself, and who subsequently tried to escape from the Chambers Street Hospital, an application was made yesterday in the Court of General Sessions by ex-Judge Curtis and Mr. Edwin M. Fox, counsel for the accused, for an adjournment on the ground that several important witnesses for the defence were absent from the city. By consent of Assistant District Attorney Lyon the case was allowed to stand over until next term.

The trial of the suit brought by Francis Smith against the city to recover $40,000 as damages for personal injuries sustained by falling into a coal hole at No. 22 Bond street in 1868, which has occupied the attention of Judge Van Vorst and a jury since Thursday last, came to a termination yesterday. Upon the conclusion of the plaintiff's case it appeared that the accident arose from the fact that the vault cover was insecurely fastened, and as that was a circumstance as to which the city was not chargeable in the notice from lapse of time; and, further, there being no evidence of the coal hole having been in a dangerous condition for any length of time, the city was not liable. Appeared for the plaintiff, ex-Judge Stephen W. Fullerton and Henry E. Knox, and for the defendant, F. L. Stetson and E. Henry Lacombe.

Argument was commenced in Special Term of the Court of Common Pleas, yesterday, before Judge Joseph F. Daly, on a motion to discharge from civil arrest Andew L. Roberts, the alleged railway bond forger, whose case has been so frequently before the courts. Roberts has been for about three years detained in Ludlow Street Jail on executions for about $75,000, recovered against him by parties with whom he had negotiated the forged bonds. The ground of opposition to the motion to discharge him is that he has not surrendered up all his property, but, on the contrary, fraudulently conceals a portion of the same. Mr. Ira Shafer and Mr. Sutphen appeared in the argument for Roberts and Mr. William Wirt Hewitt and Mr. R. Elliot on behalf of the creditors. There is also the important point raised whether a criminal debtor like Roberts is entitled to the benefit of the provisions of the insolvent act. The case will be continued to-day.

COURT CALENDARS THIS DAY.

SUPREME COURT—CHAMBERS—Held by Judge Donohue.—Nos. 23, 50, 70, 88, 89, 94, 99, 104, 105, 108, 115, 116, 129, 135, 137, 138, 143, 167, 170, 173, 174, 177, 180, 181.

SUPREME COURT—GENERAL TERM—Held by Judges Ingalls, Daniels and Potter.—Nos. 83, 167, 170, 171, 172, 174, 175, 96, 108, 126, 137, 154, 177, 179, 180, 90, 126⅞, 150, 129⅞, 140, 145, 151, 157, 158, 169, 178, 100, 139, 156, 163.

SUPREME COURT—SPECIAL TERM—Held by Judge Van Brunt.—Nos. 87, 355, 370, 389, 104, 39, 160, 50, 391, 429, 134, 105, 292, 71, 453, 261, 56, 458, 459, 460, 462, 467, 189, 418, 472, 473, 475, 476, 480, 481, 487, 489, 491, 492, 498, 500, 502, 504, 506, 508, 512.

SUPREME COURT—CIRCUIT—Part 1—Held by Judge Barrett.—Case on, No. 1,179. No day calendar. Part 2—Held by Judge Lawrence.—Nos. 1, 953, 969, 1344, 998, 2034, 1604, 1606, 1608, 1339, 1494, 1193, 1491, 3342, 1355, 1579, 405, 1566, 1687, 1421, 1680, 2566, 2057, 1420, 1664, 1677. Part 3—Held by Judge Van Vorst.—Nos. 506, 507, 512, 1326, 1298, 384, 1441, 1119, 1125, 1527⅞, 1217, 1547, 3479, 1174, 553⅞, 1444, 1262, 37, 229, 1482, 375, 1527, 1263, 1540.

SUPERIOR COURT—GENERAL TERM.—Adjourned until the fourth Monday of June.

SUPERIOR COURT—SPECIAL TERM—Held by Chief Justice Curtis.—No day calendar.

SUPERIOR COURT—TRIAL TERM—Part 1—Held by Judge Speir.—Nos. 554, 269, 686, 730, 862, 863, 866, 770, 176, 136, 112, 346, 791. Parts 2 and 3.—Adjourned for the term.

COMMON PLEAS—GENERAL TERM.—Adjourned until the first Monday of June.

COMMON PLEAS—EQUITY TERM.—Adjourned for the term.

COMMON PLEAS—CHAMBERS—Held by Judge J. F. Daly.—No day calendar.

COMMON PLEAS—TRIAL TERM—Part 1—Held by Judge Van Hoesen.—Nos. 449, 1951, 1940, 1431, 451, 203, 204, 578, 579, 580, 581, 2394, 390, 229, 634, 1143, 1130, 143, 2137, 829, 587, 2601, 1115, 1903, 543, 1426, 2529, 243, 147, 148, 2730, 620⅞, 1946, 2695, 1433, 2453. Parts 2 and 3.—Adjourned for the term.

MARINE COURT—TRIAL TERM—Part 1—Held by Chief Justice Alker.—Nos. 4647, 4639, 2969, 4624, 4625, 4439, 2014, 2045, 4024, 2663, 2721, 4417, 4657, 1089. Part 2—Held by Judge Goepp.—Nos. 4474, 4548, 3949, 4298, 1919, 4603, 960⅞, 3894, 1303, 4080, 4151, 4217, 4239, 4276, 4587. Part 3—Held by Judge Sinnott.—Nos. 2375, 4269, 3246, 3867, 4635, 4661, 4662, 4663, 3556, 4638, 4637, 2343, 4421, 4664, 4665.

COURT OF GENERAL SESSIONS—Part 1—Held by Recorder Hackett.—The People vs. John Thompson, felonious assault and battery; Same vs. Thomas McMahon, felonious assault and battery; Same vs. John Sullivan, burglary; Same vs. Charles Doherty, burglary; Same vs. Robert J. Suffrage and William Oatts, burglary; Same vs. Edward McGuire and John Collins, excise; Same vs. Frank A. H. Smith, forgery. Part 2—Held by Judge Gildersleeve.—The People vs. Enos Coe, misdemeanor (continued).

COURT OF APPEALS.

ALBANY, N. Y., May 21, 1878.

MOTIONS.

Samuel Samuels, appellant, vs. The Evening Mail Association, respondents.—Motion to put the cause on the calendar granted.

Auguste Struppenan et al., appellants, vs. Auguste Mulier et al.—Motion to dismiss the appeal and hold the attorney personally liable for costs. The Court took the papers.

No. 158. The National Bank of Schuylerville, respondent, vs. Philip H. Lasher et al., appellants; No. 159. The same, respondent, vs. Isaac Vanderwerken et al., appellants.—Motion to substitute amended return in place of those on file; A. Pond for motion and C. S. Lester opposed.

APPEALS FROM ORDERS.

No. 404. The German American Bank, appellant, vs. The Pittston and Elmira Coal Company.—Submitted.

No. 405. The German American Bank vs. The Morris Run Coal Company.—Submitted.

No. 406. The Howe Machine Company, respondents, vs. George A. Pettibone, appellant.—Argued by Rastus J. Ransom for appellant, and Stephen A. Walker for respondent.

No. 409. Albert J. Jones, appellant, vs. Mary E. Ludlum, impleaded, &c., respondent.—Submitted.

GENERAL CALENDAR.

No. 106. Hume vs. Mayor, &c.—Argument resumed and concluded.

No. 221. Henry R. Wilkinson, respondent, vs. James Gill, appellant.—Argued by Samuel Hand for appellant, and H. Berm for respondent.

No. 224. The Western Railroad Company, respondent, vs. Lawrence P. Bayn et al. appellants.—Argued by Roger A. Pryor for appellants, and Moody B. Smith for respondent.

DECISIONS.

In the Court of Appeals May 21, 1878, present, Hon. Sanford E. Church and associates. Decisions handed down—Merrill vs. The Agricultural Insurance Company; Goodwin vs. The Massachusetts Life Insurance Company; Grover vs. Morris et al; Boyd, executor, vs. Dielamontagnie; Agate vs. Sanders; White vs. Hoyt et al.; Meyer vs. The Knickerbocker Life Insurance Company; Sayles vs. Sims; Wood vs. The Mayor, &c., of New York; Whittlesey, receiver, &c., vs. Delaney; Ousby vs. Jones; Thomson vs. Sweet; Rohrschneider vs. The Knickerbocker Life Insurance Company; Merrill vs. Calkings et al.; Higgins vs. The Phœnix Mutual Life Insurance Company; Deossy vs. Morgan; Booth vs. The Cleveland Rolling Mills Company et al.—Judgment affirmed.

Dall vs. The Delaware, Lackawanna and Western Railroad Company; Bliss vs. Johnson; Mott vs. The Consumers' Ice Company; Haden vs. Coleman; Murdock vs. The Prospect Park and Coney Island Railroad Company.—Judgment reversed and new trial granted; costs to abide event.

Sherwood, administrator, vs. The Agricultural Insurance Company.—Order granted, new trial affirmed and judgment absolute for defendant on stipulation, with costs.

Nichols vs. Voorhis, et al.—Commissioner's appeal dismissed, with costs.

People, ex rel., Gilchrist vs. Murray.—Order of General Term reversed and judgment on verdict affirmed, with costs.

In the matter of the application of the Department of Public Works to acquire title for a public drive north of 155th street in the city of New York.—Orders of General Term and Special Term reversed and reports of referee confirmed and payment of the money to O. Grinnell ordered, with costs to be paid by the city of New York.

CALENDAR.

The following is the day calendar of the Court of Appeals for May 22:—Nos. 220, 157, 202⅞, 149, 225, 226, 163, 415.

THE MERRILL WILL CASE.

The contested will case of Caroline Merrill, which occupied the attention of the Court for so long a period some months ago, was again before Surrogate Calvin yesterday, on adjournment. When the case was called, ex-Judge Porter and Mr. McLure, who appeared for Cardinal McCloskey, said that they desired, before closing the case for the proponents, to have an opportunity of examining Dr. Smith, of Rome, who was one of the subscribing witnesses to the will. They were not quite certain that Dr. Smith was a passenger with the Cardinal. If he were not it might be necessary to take his evidence by commission, and therefore they would suggest an adjournment. Mr. Parsons replied that he did not intend on behalf of Mr. George Merrill to present any further testimony until the proponent's case was closed. When that was done, he expected that his side of the case would occupy about ten or twelve days. After some further conversation the Surrogate set the case down for the 12th of November, and the Tuesdays, Wednesdays and Fridays of that month, and after that the 27th and 31st of December.

THE SAMUEL WOOD WILL.

The adjourned hearing in the contested will case of Mr. Samuel Wood was before Surrogate Calvin yesterday. General Chatfield appeared for the will, and Mr. E. D. Schenck opposed. It will be remembered that the testator left a will and a codicil. The former, which has been admitted to probate, bequeaths the bulk of his property for the founding of the "Samuel Wood Benevolent Institution," and appoints Mr. Martin Wood, Mr. Alfred Simonson and Mr. Edward T. Schenck as executors and trustees. In the codicil to the will he directs the establishment of the "Samuel Wood Musical College," and changes the executors, but not the trustees, naming, under the codicil, Mr. Martin Wood, Mr. Simonson, Mr. Hewlett and Dr. Elmer. It is now sought to obtain the admission of this codicil to probate. Mr. E. D. Schenck opposes, he not having been named as an executor under the codicil. He asked the Court for an adjournment on the ground that up to within two hours of the time he was addressing the Surrogate he had believed that an arrangement had been arrived at by which a contest could be avoided. There had been a meeting of the parties interested on the previous evening and a tacit understanding had been arrived at. He was, therefore, taken by surprise, and on that ground he asked for an adjournment. He also urged as an additional reason that Mr. Clinton was associated with him and on the strength of what had occurred on the previous evening he had told that gentleman he would not be wanted.

The Surrogate suggested that as the witnesses were present formal proof might be taken, and if cross-examination was necessary that could be taken at the next hearing. This was accordingly done, and Mr. William T. Lloyd, of No. 1,404 Sixth avenue; Mr. Howard Aikman, of No. 233 Harrison street, Brooklyn, and Mr. Alfred Becaire, of No. 317 Clinton street, Brooklyn, all testified to being present and subscribing their names when the testator signed the codicil, and that, in their opinion, he was of sound mind and free from all restraint.

The further hearing of this case was adjourned until Friday, at eleven A. M., when it is expected an arrangement will be made by which all further contest will be discontinued.

THE HAZARD DIVORCE CASE.

A SIDE ISSUE OF THE SCANDAL—LENA KIMBALL ARRESTED AND SUBSEQUENTLY DISCHARGED ON BAIL.

The latest offshoot of the Hazard divorce case was the arrest on Monday night of Miss Lena Kimball, who, as alleged by Mrs. Hazard, is the disturber of the marital relations which for twenty years had existed between herself and her husband, Captain Oliver P. Hazard, formerly captain of the steamer Herman Livingston, of the New York and Savannah line. The arrest was made on a warrant issued by Judge Donohue, bail being fixed at $1,000, and the offence charged was assault and battery committed, as alleged, by Miss Lena Kimball on Mrs. Marie A. Hazard in the house No. 44 West Ninth street, so far back as the 28th of January. Mrs. Hazard tells the story of the assault in the following extract from her diary:—"I went up to the room and knocked on the door. Miss Kimball opened it, closed it quickly and put her foot to it, but I forced my way in, and then I saw my husband reclining in a rocking chair in his blue kid slippers. Miss Kimball asked who that woman was, referring to me. I told her that I was Captain Hazard's lawful wife and that she was his mistress. I wanted my husband to come home with me, which he refused to do. He then called me some names, said I was not his wife and threatened to have me arrested. Lena Kimball then slapped me in the face and pulled my hair, and while she was abusing me Captain Hazard held my hands." This story was told at the time the case first came into publicity, and the fact that no immediate action was taken in reference to the assault therein described Mrs. Hazard accounts for by the statement that she was desirous of giving her husband every opportunity of returning to his home. On Saturday evening last Mrs. Hazard was walking, she says, down Broadway, when she saw her husband and Lena Kimball pass up the street. She followed them and saw them go into the San Francisco Minstrels' entertainment. After they came out they went to a drug store on Broadway, where they had some soda water; afterward to a lager beer saloon on Sixth avenue and subsequently to a house in East Fifteenth street, where, according to Mrs. Harzard, they live in the back parlor under the description of Mr. Strickland and wife. On Monday evening officers were in readiness armed with the warrant of the Supreme Court, and when Captain Hazard and Miss Kimball left the house in East Fifteenth street they followed them into Union square, arrested the lady and conveyed her to Ludlow Street Jail. Mrs. Hazard was close by when the arrest was made, and she says that Captain Hazard went with Miss Kimball linked arm in arm and apparently attending to her with affectionate solicitude. Miss Kimball passed the night in custody and yesterday afternoon was still within the jurisdiction of Warden Watson. Less than half an hour later, however, the HERALD reporter was informed in the Order of Arrest Department that bail had been procured and that she had been discharged. Inquiries as to the nature of the bail elicited the information that the amount of it, $1,000, had been deposited by Miss Kimball's friends.

BREACH OF PROMISE.

In the Brooklyn City Court yesterday the suit of Rosina P. Breitmeyer, eighteen years of age, against John W. Nutt, twenty-two years of age, for seduction and breach of promise of marriage, was tried. The plaintiff testified that in July, 1876, she agreed to become the wife of defendant and that he subsequently betrayed her, the child being born on January 8, 1877. The plaintiff's mother testified that in the summer of 1876 the defendant told her that he wanted her daughter for a wife. Mr. Nutt, however, denied this statement and produced two witnesses who swore that Miss Breitmeyer had stated to them that she was never engaged to the defendant. The jury will bring in a sealed verdict this morning. Mr. Nutt is a member of the firm of R. H. Nutt, Sons & Co., of No. 18 Water street, while Miss Breitmeyer is the daughter of a butcher residing on DeKalb avenue, Brooklyn.

OUR COMPLAINT BOOK.

[NOTE.—Letters intended for this column must be accompanied by the writer's full name and address to insure attention. Complainants who are unwilling to comply with this rule simply waste time in writing. Write only on one side of the paper.—ED. HERALD.]

DANGEROUS TO LIFE.

TO THE EDITOR OF THE HERALD:—

Please call the attention of the Commissioner of Public Works to the terrible condition of the sidewalk in front of No. 28 Rector street. It is dangerous to life and limb. SUBSCRIBER.

SCHOOL HOURS IN EUROPE.

TO THE EDITOR OF THE HERALD:—

Why not borrow an idea from Europe in regard to schools? There intermission extends from twelve to two o'clock, and school is dismissed at four. A rule like that here would promote health and give the children ample time for dinner. A. A. S.

A SOUND SUGGESTION.

TO THE EDITOR OF THE HERALD:—

Permit me to suggest, through your valuable paper, to the proprietors of Gilmore's Garden, the erection of a roof or sounding board over the music stand to be used by Thomas' orchestra during the coming season, so as to prevent the sound being lost in the space above. MUSIC.

SIDEWALK OBSTRUCTIONS.

TO THE EDITOR OF THE HERALD:—

As I was passing through the Bowery last Sunday evening I stumbled over a piece of iron left on the walk by the Elevated Railroad employés. I injured my right foot very badly and cut my shoe from side to side. Could not something be done to prevent them leaving their material on the walk? It is a public nuisance. J. R.

THE FIFTH AVENUE STAGE LINE.

TO THE EDITOR OF THE HERALD:—

On Saturday night last I took Fifth Avenue stage No. 391 to ride to Fulton Ferry. I got on top and was informed by the driver that he was not allowed to take tickets, and that I must pay ten cents. I paid the ten cents under protest. Is there no law to compel the company to take the tickets issued by them, unless they make a rule that no one shall ride on top? STAGE.

MISCHIEVOUS BOYS.

TO THE EDITOR OF THE HERALD:—

During the last two months the neighborhood of Forty-first street, between Eighth and Ninth avenues, has been annoyed by a number of boys between twelve and sixteen years of age. Windows are broken and boxes or whatever else may be placed on the sidewalks overturned. No effort is made by the police to restrain them, although repeated complaints have been made. READER.

REAL ESTATE IN ELIZABETH, N. J.

TO THE EDITOR OF THE HERALD:—

Some time ago a report appeared in a city paper of the sale of the Dimock property in Elizabeth, N. J. The property sold for little or nothing, for the reason that a good title could not be given. The paper in question gave the prices, but failed to say that the title was not good. The sale of Elizabeth property was thereby greatly injured. I informed the journal of the mistake that it had made, but it declined to print my letter or say anything about it. VERDAD.

A RUDE CONDUCTOR.

TO THE EDITOR OF THE HERALD:—

Why do they employ on the Second Avenue Railroad conductors who act in the following manner?—As car No. 72 of that line reached 124th street on Monday morning, the conductor being engaged in counting his fares, I pulled the strap for the car to stop. He immediately rang the bell again and shouted to the driver to go on. Notwithstanding my remonstrances, he coolly seated himself again and commenced counting his fares, nor would he stop the car until I was carried a block beyond. As there was but one other lady in the car he probably thought he could act so with impunity. YOUNG LADY.

REAL ESTATE.

The following sales were made on the Exchange yesterday:—

BY RICHARD V. HARNETT.

John Bassett, referee—of 11 lots, each 25x99.11, on West 142d st., s. e. corner of 11th av., to plaintiff	$16,000

BY C. J. LYON.

E. S. Dakin, referee—Foreclosure sale of the five story warehouse, with lease of lot, 25x100, No. 83 Murray st., n. s., 66.6 ft. e. of Greenwich st., leased May 1, 1872, term 21 years, ground rent $1,000 per year, to plaintiff	3,700
Also, similar sale—G. A. Halsey, referee—of the stables, with lot 25x103.3, No. 710 East 13th st., s. s., 158 ft. w. of av. C, to plaintiff	10,040

BY A. J. BLEECKER AND SON.

P. J. Joachimsen, referee—Foreclosure sale of the building, with lease of lot 25x97, No. 417 East 5th st., n. s., 250 ft. e. of 1st av., leased January 19, 1866, to Franz Haubisch	8,600

BY GERARD BETTS

John M. Barbour, referee—Foreclosure sale of the house and stable, with lots, two lots, each 25x100.11, No. 323 East 126th st., n. s., 275 ft. e. of 2d av., to plaintiff	14,385

BY JAMES L. WELLS.

J. Grant Sinclair, referee—Foreclosure sale of six lots, each 25x100, on the west side of Elm av., known on a map of south Belmont as lots Nos. 21, 22 and 23, to plaintiff	1,200
Total sales for the day	$53,925

OFFICIAL REAL ESTATE TRANSFERS.

The following statement, showing the real estate transactions recorded in the Register's office May 21, 1878, is obtained from Augustus T. Docharty, Deputy Register:—

25th st., s. s., 169.6 ft. e. of 6th av., 27x98.9; Frederick M. Jones to Maria Jones	Nom.
29th st., n. s., 322.7 ft. e of 7th av., 24x98.9; also 29th st., n. s., 298.7 ft. e. of 7th av., 24x98.9; Frederick M. Jones to Serena Stetson	Nom.
Worth st., s. s., 285.1 ft. e of Broadway, 34.11x84; also Worth st., No. 106; George C. Richardson and wife to Charles S. Smith	Nom.
58th st., s. s., 150 ft. e. of 5th av., 25x100.5; Henry C. Elliott and wife to Robert Sherrard, Jr.	$35,500
4th av., w. s., 20 ft. n. of 126d st., 20x75; Henry Bremer and wife to New York Life Insurance Company	Nom.
Broome st., n. s., 60 ft. w. of Thompson st., 20x75.3 (one-half part of); Spring st., s. s., 25.2½ ft. w. of Clark st., 25.3x73; Rachel Gunnut and husband to Louis Gunhut	2,500
9th av., w. s., 100 ft. n. of 36th st., 25x75; Isidor Harris to William Vogel and others (guardians)	250
8th av., e. s., 95.9 ft. s. of 35th st., 23.8x100; Elias Lebenstein and wife to Joseph Stern	20,000
51st st., n. s., 325 ft. w. of 11th av., 25x100.5; John W. Martin to Joseph M. Hewett	3,000
Lexington av., s. e. corner 64th st., 20.5x80; Bertha Metzger and husband to Charlotte Abraham	Nom.
53d st., s. s., 116.6 ft. e. of Lexington av., 16.6x100.5; Gilbert M. Platt and wife to John Lynes	13,000
50th st., n. s., 150 ft. w. of 1st av., 24.6x100.5; Margaret L. Pope to Ambrose M. & William F. Parsons	Nom.
8th av., w. s., 86.9 ft. n. of 17th st., 20x100; William C. Conner (Sheriff) to Edward S. Clinch	198
119th st., s. s., 188 ft. e. of av. A, 40x100.10; also 121st st., s. s., 225 ft. e. of av. A, 20x80; Benjamin Deitz and wife to Charity Hepher	Nom.
Sullivan st., s. s., 87.4½ ft. w. of Grand st., 20x50; John H. W. Arnold and wife to Esther E. Arnold	Nom.
Monroe st., n. s., 286.10 ft. e. of Scammel st., 23.6x94.9; Henrietta L. King (executrix) to John Eberhardt	3,000
2d av., n. w. corner of 43d st., 50.5x80 Owen Gearty to Augustus F. Holly	Nom.
3d av., s. w. corner of 95th st., 25x100; Solomon Bellman and wife to William Gubert	20,000
79th st., n. s., 225 ft. e. of 4th av., 20x102.2; Frank Bulkley to K. R. Harris	Nom.
116th st., s. s., 70 ft. w. of 1st av., 18.4x90; J. R. Steers, Jr. (referee) to New York Life Insurance Company	5,600
78th st., s. s., 80 ft. e. of 2d av., 20x102.2; Same to same	8,000
Laurens st., e. s., 150 ft. s. of Beecker st., 25x100; W. J. Kane (referee) to Alexander Perry	10,700
5th av., s. w. corner of 110th st., 100x100; F. A. Ransom (referee) to Samuel V. Hoffman	16,000
125th st., n. e. corner of St. Nicholas av., 131.5x84.9; P. H. Olney (referee) to George F. Gantz	6,100
Boulevard, n. w. corner of 93th st., 201.5x150; S. Lord (referee) to Thomas P. Medley	19,000
149th st., n. s., 100 ft. w. of 8th av., 100x199.10; J. G. Sinclair (referee) to George E. Tugnot	2,500
120th st., n. s. of Harlem River to 121st st. irregular; Thomas H. Landon (referee) to Benjamin Dietz	1,000
10th av., e. s., 51.2 ft. s. of 72d st., 51x100; G. P. Smith (referee) to Stephen D. Marshall and others (executors)	15,500
Mary st., s. s., 250.3 ft. e. of Morris av., 25x100; James C. de La Mare (referee) to Sylvester Hunt	700
LEASE.	
Av. C, (No. 358) store and cellar, A. Frederick M. Silber to John O'Neil; 3 years	$3,000
RECORDED MORTGAGES.	
Barretto, Francis, to Daniel D. Lord (executor, &c.), Nos. 216, 218, 220, 222 and 224 Harrison st.; 3 years	$10,000
Boyd, Alexander and wife, to John Jacobus, No. 28 Pell st.; 1 year	1,500
Eberhardt, John, to Henrietta L. King (executor, &c.), No. 245 Monroe st.; 2 years	1,500
Eberhardt, John and wife, to Marcia H. Strong, No. 247 Monroe st.; 3 years	3,000
Feldman, Baldwin and husband, to the Second National Building and Mutual Loan Association, n. s. of 30th st., 100 ft. w. of 8th av	4,500
Fisher, Susan S. and husband, to Mary E. Ames, s. s. of 35th st., w