THE VANDERBILT WILL.

Resuming the Contest Over the Commodore's Will.

CONFLICTING DETECTIVE STORIES.

The Conspiracy Allegation in a New Dress.

The Vanderbilt will case was resumed yesterday in the Surrogate's Court. If the case goes on at its present rate it will certainly not be finished this year, although Mr. Henry L. Clinton, counsel for the proponents, said yesterday, in answer to an inquiry, that their side of the case would be brief. "We'll make short work of it," he declared, "when we once come to it." The case at its last hearing was set down for every Tuesday, Wednesday and Friday up to the 3d of July, and then was to go over to September 20, when it was to be continued on the same days of the week to November 1. Taking yesterday and previous days as specimens, the Surrogate, counsel, stenographer, clerks, and others engaged in the Vanderbilt will litigation will not be likely to kill themselves by overwork. The proceedings generally commence after eleven in the morning; at one there is a recess for half an hour, but which generally extends to an hour; and by half-past three or four this easy day's work is finished. Mr. William H. Vanderbilt, looking fresh and hearty after his European trip, and his counsel, Judge Comstock and Mr. Henry L. Clinton, arrived by eleven o'clock. Mr. Augustus Schell and a few other friends of Mr. William H. Vanderbilt took seats beside him. The party must have felt no apprehension of a legal defeat, for they exchanged lively jocular remarks and laughed loudly.

MORE DELAY.

A tiresome wait now ensued. Mr. S. Tenney was the first of the contestants' counsel, who made his appearance at twenty minutes after eleven. Mr. Clinton finally got very impatient, and hinted that it might be advisable to send for Mr. Scott Lord and Mr. Jeremiah S. Black. This was done, and at half-past eleven Mr. Lord appeared and announced to the Surrogate, who had been sent for, that he was unable to go on owing to the mysterious absence of Judge Black. He had left Judge Black at the New York Hotel, and he promised to come down immediately. Judge Black, however, now made his appearance, and the Surrogate said:—"Well, Judge Black is here, and the case may go on." Mr. Ethan Allen, of counsel for the contestants, was also present now, but none of the contestants of the Vanderbilt family could be seen in the court room.

Mr. Scott Lord—If the Court please I desire to make a motion for a continuance of the case, and, as I have been unable to finish the papers for my motion, I shall want a little additional time.

Mr. Clinton—Will the counsel go on with some testimony meanwhile?

Mr. Scott Lord—I shall want a little time. We——

Mr. Clinton (frowning)—Oh, that's the old story all over again.

MR. CLINTON OVERRULED.

Surrogate Calvin (laughing)—Let us hear the counsel. It may be a new story, perhaps. (Laughter.)

Mr. Scott Lord complained that it had been impossible for him to finish the papers in time. He urged that his motion would either dispose of the case summarily or take it over to next fall.

Mr. Clinton—Your Honor, I object. This is exactly the old story over again. We have been waiting here over half an hour, and now they want another postponement. I object to it because it is the same dilatory course which we have opposed all along.

Surrogate Calvin—How much time will the counsel require?

Mr. Scott Lord—Till half-past one.

Mr. Clinton (vigorously)—I be counsel does not even say to the Court that he has no witnesses here in Court who could meanwhile be examined. Now there are witnesses here sitting right behind him (pointing at a stout lady in black accompanied by a gentleman), and there is no reason why they should not be examined now.

Surrogate Calvin—If the counsel wants time till half-past one to make a motion in good faith I shall certainly grant it to him. Meanwhile I will announce my decision on the pending offer of the contestants which is a question of some magnitude.

AN IMPORTANT DECISION.

The Surrogate read a long decision adverse to the contestants, and at which Messrs. Scott Lord and Jeremiah Black made rather long faces, while Messrs. Clinton and Comstock looked pleased and Mr. William H. Vanderbilt, who had listened to it with his head resting against his great, heavy hand, looked particularly jovial. His sly little eyes glistened as he fixed his glance upon the Surrogate during the decisive portions of the opinion. The decision recites at length the testimony which provoked the offer of the contestants—namely, to put Mrs. Le Bau on the stand, so that she might testify that she never "talked against" the Commodore's second wife (or present widow). Harry Allen, a grandson of the Commodore, had testified that he had heard the Commodore say Mrs. Torrence, one of his daughters, had been talking against his (second) wife. Allen further testified that when he told the Commodore that he did not believe this was so the Commodore reiterated that it was true, and that he knew all his daughters were talking against his wife, (or Billy (William H. Vanderbilt) had told him so. The contestants offered to put Mrs. Le Bau, as one of the daughters, on the stand to show by her testimony that she never talked against the Commodore's wife, and it was this evidence which the Surrogate's decision excluded. When asked as to the bearing which the decision would have on their side of the case, Mr. Lord said to the HERALD reporter, "It will exclude a great deal of testimony which we should have offered. We wanted to show from the daughters that they never talked against the Commodore's wife, and that William H. poisoned his father's mind against his daughters by telling him that they did." The following are the main points of the decision, which quotes numerous precedents as to the inadmissibility of such testimony.

LEGAL GROUNDS FOR THE DECISION.

"It must be conceded," the Surrogate says, "that the testimony given by Mr. Allen as to the declarations of the testator under consideration do not in any sense reflect upon the mental condition of the deceased, while if there were proof of the fact that such influence was exercised the admissions of the testator are calculated to show that they affected his mind and influenced his will would be competent. If the declaration of a testator after the execution of his will be capable of showing the fact of undue influence, then clearly he might by such a declaration completely destroy the will. Suppose this case:—that the deceased had declared after the execution of his will that W. H. Vanderbilt had falsely stated to him prior to its execution that Cornelius J. Vanderbilt had become addicted to the vice of intemperance and of gambling to such an extent as to render him entirely incapable of taking care of property, and had advised him not to intrust him with any by his will and to only give him so much in trust as would support him, and that, under these false representations, he had made the promises in his will that he did, while otherwise he had intended and would have given him an equal share with his brother William H. If such a declaration were admissible to prove the fact how could that fact by possibility be disproved? For, under the Code, William H. Vanderbilt could not be heard to deny it, and thus the testator would be empowered by his own declaration to

COMPLETELY DESTROY A WILL

which, under our statute, must be revoked by the same solemnities as are necessary for its execution, and by numerous cases it is held that such revocation cannot be shown by the subsequent declaration of the testator. Therefore the evidence is excluded."

MORE DILLY-DALLYING.

At half-past one Mr. Vanderbilt and his counsel were promptly on hand. Looking round and seeing that the opposing counsel were again conspicuous by their absence Mr. Vanderbilt remarked to his counsel, "Why, I thought they were going to be prompt this time." With his liking for punning ex-Judge Comstock dryly returned, "The case is now going either over to fall (the autumn) or it's going to fall over;" at which Mr. Vanderbilt burst into hearty laughter. After a wait of twenty minutes Mr. Tenney, of counsel for the contestants, walked into the court room, but seeing none of his senior associates present he walked out again. Five minutes more elapsed before Messrs. Lord and Black arrived, and then Mr. Underhill, the stenographer, who desired to call the Surrogate, queried, "Ready, Mr. Lord?" and Mr. Lord responded, "Not yet; Mr. Allen isn't here yet." Another wait of several minutes and finally Mr. Ethan Allen also turned up. Mrs. Le Bau, a tall, slim lady in deep black, came in at the same time and seated herself behind Judge Black.

THE CONSPIRACY STORY REOPENED.

Mr. Allen read an affidavit by Mr. Scott Lord which opened up the most extraordinary feature of the Vanderbilt will case which has thus far been brought to light. It will be remembered that the last adjournment of the case was asked by the contestants in order to produce three detectives—Franklin A. Redburn, William H. Clark and George A. Mason—by whose testimony they proposed to prove that William H. Vanderbilt and Chauncey M. Depew got up a conspiracy against Cornelius J.; that they hired these detectives to follow a man whom Depew identified as Cornelius J., but who, as they subsequently became satisfied, was not Cornelius J.; that this "bogus" Cornelius J. was followed by them to houses of ill repute, gambling hells and improper meetings with women; that they made a report of these facts to William H. Vanderbilt, who pretended to be very sorry for his brother's backsliding, and that they also made their report to the Commodore, who was so incensed at Cornelius J. that he wished his son had never been born. Mr. Lord's affidavit and the documents following it stated that at the eleventh hour these witnesses, who had meanwhile confirmed their previous declarations, had disappeared, and a letter had been received by Mr. Lord in which Clark and Mason retracted all their previous statements and turned the charge of conspiracy from William H. to Cornelius J. In this letter they declared their conviction that Cornelius J. had gotten up the whole affair in order to make it appear that his brother William H. had been guilty of a conspiracy against him; that not only was the Cornelius J. whom they followed a "bogus" Cornelius J., but that Chauncey Depew, William H. Vanderbilt and even the old Commodore were fraudulently personated in this affair by persons in the conspiracy. When this letter was read everybody laughed, and William H. Vanderbilt and Messrs. Clinton and Comstock seemed to be intensely amused, for here were not less than four "doubles," and it was clear that these three detectives were lying pretty strongly either on the one side or the other.

The following are the leading points of the affidavit of Mr. Scott Lord, in which, it will be seen, the proponents of the will are openly accused of having tampered or spirited away the three double-dealing detectives:—

MR. LORD'S AFFIDAVIT.

That this deponent, since the last adjournment of this case, has seen and conversed with each of said witnesses and was assured and believed that each of them would be in attendance at the opening of the court on this day to testify as witnesses in this case, and that by appointment said witnesses were to meet Judge Black and this deponent at the New York Hotel at nine o'clock in the forenoon on the 10th inst.

That this deponent had no intimation that they would not fulfill such engagement until late in the afternoon on Sunday, the 9th inst., when a letter was received from said Redburn stating that said Clark and Mason had gone off together, but that he should go after them immediately, and that until about noon on the 10th inst., at which time he received a letter purporting to be written by said Clark and Mason, which is hereto annexed, following their affidavits, he had no intimation that they claimed that there was any error in such affidavits, or that they had been attempting to review the ground as to places and persons.

Deponent further says that he does not believe that either of said witnesses could be persuaded or bribed to appear upon the stand and swear to an untruth, but he believes that in the interest of the proponents they have been induced to make to this deponent statements contained in their letter hereto annexed, and then on the eve of the trial go away to some place unknown to this deponent, so that their attendance cannot be procured for this sitting.

Deponent further says that the communication received by him from said Mason and Clark leads him to believe that they have been in communication with some person or persons in the interest of proponents, and have been induced by them to put themselves beyond the jurisdiction of this Court to avoid testifying, and that this also leads him to believe that had they not refused to testify under oath to the statement of their letter they would have been allowed to appear in court and testify, and the counsel for the contestant, under all these circumstances, deem it their duty to ask the Court for a continuance, so that in a matter of such vital importance the truth may be ascertained.

When Mr. Allen was about to read the affidavits of the three detectives Mr. Clinton vehemently objected, on the ground that these affidavits had been made out of court; that they were extra-judicial, and if the affiants committed perjury they would be held to no responsibility and could not be indicted and punished.

Surrogate Calvin thought that the affidavits, though inadmissible as testimony, might be used by Mr. Lord to show that he had acted in good faith in trying to produce these witnesses and now asking for a postponement.

Mr. Clinton—I want to know whether this Court is to be used only for the purpose of scandal? These affidavits can have no relevancy to the motion before the Court, and they contain no facts which would entitle the contestants to the relief asked by them. (Sneeringly.) Oh, we understand this thing perfectly.

The Surrogate (smiling)—Yes, but the Court cannot understand it until all the testimony is in. (Laughter.)

Messrs. Clinton and Comstock continued their objections to the reading of the affidavits, upon which the Surrogate asked to see the papers in order to satisfy himself as to their relevancy to the cause.

Mr. Clinton (bitterly)—These are the very affidavits which they have asked all the newspapers to publish, and which the newspapers have refused to publish. They are only put in here to have them published in the newspapers. They want to try this cause in the newspapers.

The Surrogate—I don't suppose that intelligent and respectable counsel would try the cause in the newspapers when they must know that what the newspapers say passes by the mind of the Court like the idle wind.

Surrogate Calvin then allowed the affidavits and appended documents to be read as a part of Mr. Lord's statement to the Court. The gist of these is contained in a letter written by F. A. Redburn to Cornelius J. Vanderbilt, of which the following will partially explain. He narrates the visit of a stranger (Chauncey M. Depew) who wanted him, as the head of a private detective office, to watch Cornelius J., in order to convince the Commodore and William H. that he really gave no signs of reform:—

To this end he desired to have "Cornell" put under strict surveillance, and all his operations and manœuvres reported, and asked the detective if he could furnish a reliable man, whose personal appearance would carry conviction of his truthfulness for that purpose. The detective assured him that he could furnish and promised to meet him with such a man on the following day, at the Fifth Avenue Hotel, when a stranger would accompany them to find the bad boy, when the espionage should begin.

The appointment was kept, and the stranger pointed out a very respectable looking man as the profligate son. This man was closely followed and watched. He was not a difficult person to keep track of; to be sure he visited rather disreputable places and was guilty of some very disgraceful conduct. On a few occasions he slipped from the detective's sight, causing him much uneasiness and chagrin for a time; but somehow he always stumbled on the detective (not the detective on him) in such a manner as to cause the spy to feel that he was favored by Providence.

It had been arranged that the detective should at intervals of two or three days report to the stranger, and he did so. He soon had so much to disclose that the other declared he could wait no longer, but that they must go see William at once. They went. At first William appeared to doubt the detective's revelations, but at last he seemed to be convinced against his will. His friend, the stranger, suggested that he ought to lose no time in laying matters before the Commodore, but this William refused to do. He declared that, notwithstanding his poor brother's backsliding, he could not expose his weakness to their father; and, besides, he was very confident Cornelius would eventually reform. When the stranger at length said that he should then go himself to the Commodore with the detective William urged him not to do so, as he had not the least fear but that his brother would, when he found heavier responsibilities, such as great wealth imposes, resting upon him, at once become an exemplary citizen and an honor to his family.

The stranger, however, was not to be persuaded by the insinuating opinion of William. He took the detective at once before the Commodore, as he did several times subsequently, where the results of his surveillance were fully portrayed, and seemed to cause the old gentleman much surprise and pain.

During this time the detective one day saw and overheard something between the stranger and William which convinced him that the latter had not been sincere in his avowed wish to conceal from his father his brother's delinquencies, but was on the contrary anxious to have them reported.

One day shortly before, or soon after the Commodore's death (can't tell which without reference to papers), the said detective was walking in Broadway, I think, with a friend, who pointed you out to him as Cornelius J. Vanderbilt. The detective scrutinized you closely, and believing he knew, and had good reason to know "your face," Cornell very well by sight, disputed his friend's assertion. Issue thus joined, a wager ensued and you were followed by the twain until your identity was clearly established to the detective's satisfaction.

It was now evident to the detective that he had been made a tool of for an infamous purpose; that he had been used to shadow some one employed to personate you in all sorts of disreputable places, and to carry distressing reports to the Commodore, which were entirely without foundation in fact.

Curiosity afterward led him to visit some of the resorts to which he had followed your "double," and learned that in some of them the object of his surveillance was known as Cornelius J. Vanderbilt. He infers that the matter was carried thus far that he might not be likely to discover that he was watching a bogus "Cornell," and to this end, that his reports of your visits to them might be corroborated, should the Commodore exact further evidence. Later, he went again to these places, or some of them, accompanied by the head detective, who was prompted by curiosity, but the parties who before remembered "Cornelius J." had become dumb, all but one exception. This phase of the case he tried to account for in vain. Perhaps you can account for it, and much more. Very respectfully,

F. A. REDBURN,
No. 389 New York avenue, Jersey City Heights, N. J.

AFFIDAVITS OF THE DETECTIVES.

Then follow the affidavits of the three detectives—Redburn and his two assistants, Clark and Mason—to the effect that the stranger who hired them to follow Cornelius J. was Chauncey M. Depew; that they followed the false Cornelius J. to all sorts of bad places; made reports to William H., who pretended to be deeply grieved at the conduct of his brother; that they were taken by William H. Vanderbilt and Chauncey M. Depew to the Commodore, to whom they repeated the results of their observations; that the Commodore declared he wished his son had never been born; and then they added that they had all along followed a "bogus" Cornelius J., and been the tools of William H.'s vile conspiracy.

And now came the richest part of the proceedings, the letter of the detectives Mason and Clark to Judge Lord, which, when it revealed, in addition to the "bogus" Cornelius J., a "bogus" Commodore, a "bogus" William H. and a "bogus" Chauncey M. Depew, fairly convulsed the audience with laughter.

A UNIQUE LETTER.

NEW YORK, June 9, 1878.

Judge Lord:—

SIR—Having given you notice through Mr. Redburn that we cannot give the evidence that has been expected of us, it is but fair to you and to ourselves that we should explain the cause of our refusal.

The evidence you expected from us was intended to prove against William H. Vanderbilt and others a conspiracy to injure Cornelius J. Vanderbilt in the estimation of his father, &c., &c. For a time we firmly believed this was the case, and that we had even made the tools of William H. Vanderbilt to injure his brother. But our eyes have been opened, and we find that the only conspiracy that was ever originated by Cornelius J. Vanderbilt himself. That gentleman, knowing he had forfeited all claim upon his father, and would evidently be disinherited by his will, conceived a scheme by which the will might be set aside on the ground that it had been improperly procured by his brother, and that scheme he endeavored to carry out in the following manner:—

His first step was to get a friend to call on Redburn. This friend, who was got up to resemble Chauncey Depew—(laughter)—stated that he was a friend of the Vanderbilt family, and that the old Commodore was being deceived by his son Cornelius, who pretended to have reformed and to be coming a moral life, when in fact he was behaving himself worse than ever before, and that as a friend he felt called upon to open the old man's eyes to the truth. He ended by asking Redburn to furnish a man to follow Cornelius and to report all he might learn of his doings, &c. This Redburn agreed to do, and the next day he met the friend at the Fifth Avenue Hotel and introduced Mason as the proper person for the service. This man asked Mason if he had ever seen Cornell, and on his answering that he had not was at once employed as a spy. At the same time Cornelius J. and his friend had a bogus Cornell, or a double, conveniently near, who was pointed out to Mason as the real Cornell. This double went on that and many succeeding days to various gambling hells and bawdy houses, closely followed by Mason. But before Mason started in pursuit a day was appointed for him to report to the person employing him at the Fifth Avenue Hotel. On the day fixed he did report, and was after-ward carried off as he was represented, to report his report to William H. Vanderbilt, and he did repeat it to a person resembling, and at the time supposed by him to be William H. Vanderbilt, but who was in fact one of Cornelius J.'s assistants. (Laughter.)

The affair was managed in this way:—Mason went with his employer to the President's room at the Grand Central Depot; William H. Vanderbilt was not in, as was evidently known before. The employer then whispered to Mason, "Wait a minute. I'll see if we can find him about the building." In a few moments the party returned, and beckoning to Mason, took him into a cheerless unoccupied room on the same floor, at quite a distance from the President's office, and introduced him to a man said but falsely said, to be William H. Vanderbilt. Then and there Mason repeated his report, and after some discussion between the employer and the bogus William H. Vanderbilt—(laughter)—it was decided that Mason be taken to the Commodore and repeat the report to him.

Following the employer, Mason re-entered the carriage in which they had ridden from the Fifth Avenue Hotel, and was driven southward, and was landed before a house with a high stoop, where he was told by his companion the Commodore had his office.

During this ride the employer entertained Mason with lively talk, so that when he stepped from the carriage he could not have told or have formed an idea whether he was in Fourth or Twelfth or some intermediate street, or whether east or west of Broadway.

Following his companion into a house Mason was introduced to a venerable looking old man as Commodore Vanderbilt—(laughter)—to whom he repeated his report, after which the conversation you are familiar with took place.

We have since had, and have now, unquestionable evidence that the old man was not the Commodore, and that the office was not the Commodore's Fourth street office.

The following of the bogus Cornell having become tiresome to Mason he invited the undersigned Clark to join him, which was done, when almost the same play was repeated.

We were both taken to the pretended William H. Vanderbilt, who was again found in an unoccupied room in the Grand Central Depot, and were afterward driven to the old man said to be the Commodore. On this occasion the friend or employer caused the curtains of the carriage to be drawn down, saying it were better we should not be seen together.

After we had reported to the bogus Commodore we left, leaving the employer behind.

We expected to walk away, but as we were leaving the stoop the friend requested us to get in the carriage to be driven away, as he would not wish us seen in the vicinity. It struck us like a silly notion at the time, but we were glad enough to submit to it, and rode away without the least suspicion that we had not been to the Commodore's office.

This is a brief statement of the facts as we now know them. We were not easily convinced that we had been made victims of a fraud in behalf of Cornelius J. Vanderbilt; but we have seen the pretended friend of the Vanderbilt family who carried us to the Grand Central Depot, and know he is not Mr. Depew.

We have seen the man who personated William H. Vanderbilt and he who personated the Commodore and know they are not the persons we believed them to be. We have been to the office supposed by us to be the Commodore's office and know it was not his. We know the whole thing was a conspiracy of Cornelius J. Vanderbilt and his policy friend Simpson and others to manufacture evidence to attack his father's will, which we knew would cut him off. We perfectly agree in everything, except as to whether Redburn was one of the original conspirators. One of us believes he was, and that he knew when called on for a detective that he was to be used for the benefit of Cornelius J. Vanderbilt, and that the farce of a call was made only to allow him to swear to his part with a better conscience. But one of the undersigned willingly gives him the benefit of a doubt.

Finally, Judge Lord, we wish to say that when we made our statements to you we fully believed them, and that you had every reason to place confidence in them, and that you could never have had any reason to doubt them until now, when we give you this disclosure. With great respect,

WILLIAM H. CLARK,
G. A. MASON.

A POSTPONEMENT STILL RESISTED.

After the loud laughter which the reading of the detective's letter provoked had subsided, and Messrs. Vanderbilt and Clinton had recovered from the fits of hilarity into which it threw them, Mr. Clinton still vigorously objected to a postponement of the case, while Judge Lord urged that the further hearing be deferred until these witnesses could be compelled to come here and testify to the truth.

"We ask for a reasonable period," he said, "in which we can get hold of these witnesses. It is evident from their letter that they have not yet been quite brought to the point of perjury."

Surrogate Calvin asked what good the testimony of these witnesses could do the contestant, if they swore again to the facts detailed in their affidavits they would be confronted by the letter written under their own signatures, which gave the lie to their own statements.

Mr. Lord—We contend that it is Your Honor's duty and privilege to look at that question of veracity, and if circumstances and corroborating testimony point to the truth of the one statement not to reject it because the parties have made another.

Surrogate Calvin asked Mr. Clinton if he desired to set up a denial of the alleged complicity of William H. Vanderbilt in this alleged conspiracy.

Mr. Clinton hotly replied that Mr. William H. Vanderbilt would in five minutes have ready an affidavit denying the whole story, and Mr. Depew's affidavit of denial would be ready next morning. Meanwhile he urged the counsel could go on making their argument on the motion to postpone the case. They might assume that Mr. Depew's affidavit was here, for it would be duly furnished next morning.

Mr. Lord—He can't assume any such thing, for we doubt whether you'll get it.

Ex-Judge Comstock (with a flourish)—The story of these detectives is the most transparent farce ever enacted in any court of justice. There is not a scintilla of truth in it.

Surrogate Calvin declared that as Mr. Depew's affidavit could not be got this afternoon the case must go over until next morning, and the Court adjourned at three o'clock.

BUSINESS TROUBLES.

THE PRESSURE OF THE HARD TIMES—VOLUNTARY AND INVOLUNTARY BANKRUPTS.

The failure of the Combination Rubber Company, of No. 26 Barclay street, is announced. The company was incorporated and had a capital stock of $80,000, all of which was issued in payment for manufactory and other property necessary for the business. The officers are John Greacen, President; Stanley Greacen, Vice President, and E. J. Greacen, Secretary. They have a factory at No. 525 West Twenty-fourth street. The machinery has recently been chattel mortgaged for $12,000 to J. Greacen, Jr., and $1,000 to N. Stevens, and a judgment for $1,366 was obtained against the company by R. Craighead. The liabilities amount to about $80,000, in addition to $35,000 represented by purchase mortgages on real estate owned by the company. The assets consist of real estate, stock, machinery and open accounts, the value of which is not known at present. The estate has been placed in the hands of J. J. Campion as receiver.

The Bronx Company, bleachers, dyers and printers, at No. 115 Worth street, and at Bronxdale, Westchester county, have been adjudicated involuntary bankrupts, on the petition of their creditors, and the case has been referred to Register Fitch. The company is composed of Henry B. Bolton, John W. Bolton and Thomas Bolton, Jr., and succeeded the firm of Thomas Bolton & Sons. Fifteen creditors unite in the petition, their claims aggregating $19,296 93, among them being the following:—Thomas Bolton, Sr., $19,983 86; William H. Birchell, $2,017 32; James W. Colwell, $994 25; Nathan Birchell, Sr., $900; John Livingston, $364 21; Birchell & Sons, $500, and Joseph Bruns, Sr., $635 50.

Hicks, Stewart & Rosenberg, manufacturers of pants, at No. 184 Church street, and at Cincinnati, Ohio, have failed, and a consultation of their creditors was held yesterday. A statement was submitted showing liabilities amounting to $104,669 24, and assets, $85,000, less $17,000 sold from the Cincinnati stock. It was finally decided to appoint a committee of three to investigate the affairs and report to the creditors. The committee is composed of F. Victor, W. L. Pomeroy and Henry Newman. The present firm was organized May 1, 1877, the firm of Hicks & Stewart taking in Mr. Rosenberg, who manufactured their goods for partner.

Andrew Bleakley, Jr., has gone into voluntary bankruptcy before Register Ketchum, having liabilities amounting to about $16,000 and no assets. The principal creditors are Andrew Bleakley, $8,616 46; William E. Springstein, $1,048 29, and Charles L. Gowdey, $1,000.

Edward H. Hart, manufacturer of hats at No. 75 Greene street, made an assignment yesterday for the benefit of his creditors to Frederick Lewis. His liabilities amount to over $10,000, and as soon as a statement is completed the assignee will call a meeting of the creditors.

Composition proceedings have been commenced by E. Bloch & Sons, manufacturers of cigars at No. 364 Canal street, before Register Dayton. They propose to settle with their creditors at twenty-five cents on the dollar, five cents cash and ten cents each in notes unsecured at three and six months. The liabilities amount to $20,296, distributed among twenty-four creditors, the largest being the following:—Henry Nathan, $6,300; Tiller Brothers, $3,028 81; H. Colell, $1,552 21; A. Cohn, $1,372 14; H. W. Eucks, $1,284 26; A. H. Scoville & Co., $1,056 50, and People's Bank, $1,000.

Louis Schlesinger and Isidore Wronkow have commenced composition proceedings before Register Dayton for a settlement with their creditors at ten cents, cash, on the dollar.

MEETINGS OF CREDITORS.

A meeting of the creditors of Sylvester Murphy, builder at No. 332 East Fifty-second street, was held yesterday at the office of Register Dwight. The schedules presented showed liabilities amounting to $437,153 53, but only six claims were proved, aggregating $8,555, of which the following were the largest:—Hugh Cassidy (executor), $4,011 96; Timothy Kelleher, $1,811 54, and Rose Dunn, $1,400. John H. Platt was appointed assignee.

The creditors of V. K. Stevenson, Jr., real estate broker at No. 4 Pine street, met yesterday at the office of Register Allen. The schedules submitted showed liabilities amounting to $65,000, and only one claim was proved by Coudert Brothers for $1,149 08. John H. Platt was appointed assignee.

At a meeting of the creditors of Oscar Hammerstein, editor of the *United States Tobacco Journal*, held yesterday at the office of Register Little, John H. Platt was elected assignee. Two creditors proved claims aggregating $6,557 74, as follows:—A. L. & C. L. Holt, $5,053 73; Scarbour & Bond, $1,524 61.

The creditors of John W. Scutchner, produce dealer at No. 89 Murray street, met yesterday at the office of Register Fitch, and elected George Hildebrand assignee. Six claims were proved, aggregating about $1,500.

THE INGERSOLLS.

After dragging its slow length through station houses, police courts and civil chambers the case of Ingersoll vs. Ingersoll came up again for investigation yesterday at the Special Sessions. The prisoner, William F. Ingersoll, stood at the bar in a nonchalant way, idly swinging an umbrella and casting at times a sneering glance on the woman who charges him with twice attempting to take her life. She, for her part, was evidently anxious about the issue of the case, and it was clear to see, by the steely glitter of her eyes, the compressed lips and hard lines about the mouth, that she had no merciful disposition toward her husband. The case was called, the evidence taken and again the old story of Ingersoll's attack upon Assemblyman James Hayes, his threatening actions on Broadway when he drew a knife upon the woman and his last assault upon her were recalled.

"You had Ingersoll convicted before and sent to the Island," said Judge Wandell.

"Yes, I did, and he deserved it," was the answer.

"But you afterward begged for his release and got him off."

"I won't do it again," she said, with an air that showed she meant it.

Ingersoll, when called to the stand, denied having struck his wife at all. He said he was six feet away from her when she called out, "If you expose me I'll scream murder," and she did it. "That's the whole of it," said Ingersoll, "and I'll say so on my sacred oath."

"William F. Ingersoll," said Judge Wandell, "the Court finds you guilty and sentences you to the Penitentiary for the term of six months."

ARRIVAL OF EMIGRANTS.

Five hundred and forty-nine emigrants arrived yesterday at Castle Garden.

COMMERCE OF THE UNITED STATES WITH CHINA.

The following statement shows the value of the commerce of the United States with China (including Hong Kong) for each of the twenty fiscal years ended June 30, from 1857 to 1876 inclusive, compiled from the United States Official Reports on Commerce and Navigation:—

Year Ended June 30.	Domestic Exports.	Foreign Exports.	Total Exports.	Imports.	Total Commerce.
1857	$2,019,900	$2,375,230	$4,395,130	$8,356,932	$12,752,062
1858	3,007,748	2,689,603	5,697,351	10,570,536	16,267,887
1859	4,233,016	2,894,183	7,127,199	10,791,381	17,918,580
1860	7,170,784	1,735,334	8,906,118	13,566 587	22,472,705
1861	5,809,724	1,107,703	6,917,427	11,351,719	18,269,146
1862	4,293,158	1,206,130	5,499,288	7,459,318	12,958,606
1863	5,030,818	1,110 980	6,141,798	10,961 064	17,102,862
1864	7,703,564	1,029,362	8,732,926	10,165,414	18,898,340
1865	6,502,898	602,537	7,105 435	5,130,643	12,236,078
1866	8,632,088	1,517,736	10,149,824	10,132,683	20,282,507
1867	8,788,145	979 471	9,767,616	12,112,440	21,880,056
1868	9,521,786	2,169,704	11,691,490	11,385,024	23,076,514
1869	10,258,178	2,117,554	12,375,732	13,209 121	25,584,853
1870	6,421,163	2,618,903	9,040,066	14,628,487	23,668,553
1871	3,920 216	1,722,263	5,642,479	20,066,315	25,708,794
1872	7,714,935	1,221,235	8,936,170	26 753,535	35,689,705
1873	7,336 693	2,373,826	9,710,519	27,191,940	36,902,459
1874	8,699,965	2,814,737	11,514,702	18,608,712	30,123,414
1875	8,762,004	1,408,113	10,170,117	14,683,256	24,853,373
1876	10,558,062	2,101,419	12,659,481	12,854,541	25,514,022
Total for twenty years	$136,384,845	$35,796,023	$172,180,868	$269,979,648	$442,160,516
Average per annum	6,819,243	1,789,801	8,609,044	13,498,982	22,108,026
Average per annum for last ten years	8,198,115	1,952,722	10,150,837	17,149,337	27,300,174
Average per annum for last five years	8,614,332	1,983,866	10,598,198	20,018,397	30,616,595
Average per annum for last five years per capita of population of China (400,000,000 estimated)	—	—	$0 02⅝	$0 05	$0 07⅝

The following statement shows the several ports in the United States at which exports were made to China (including Hong Kong), and imports received therefrom, and the value of the same at each port, during the fiscal year ended June 30, 1877, compiled from the Official Reports on Commerce and Navigation:—

Ports.	Domestic Exports.	Foreign Exports.	Total Exports.	Imports.	Total Commerce.
Boston	$36,131	—	$36,131	$89,185	$125,316
New York	1,607,464	—	1,607,464	$7,926,643	$9,534,107
Oregon	—	—	—	192	192
San Francisco	15,476,610	3,210,237	18,686,847	4,182,097	22,868,944
Willamette	38,129	—	38,129	114,519	152,648
Totals	$17,158,334	$3,210,237	$20,368,571	$12,312,636	$32,681,207
Carried in American vessels	$8,310,344	$1,561,550	$9,871,894	$3,608,060	$13,479,954
Carried in foreign vessels	8,847,990	1,648,687	10 496,677	8,704,576	19,201,253
Totals	$17,258,334	$3,210,237	$20,368,571	$12,312,636	$32,681,207
Total imports dutiable	—	—	—	$4,491,643	36 per cent
Total imports free of duty	—	—	—	7,820,993	64 per cent
Totals	—	—	—	$12,312,636	—
Total exports of merchandise	—	—	$4,937,706	—	24 per cent
Total exports of specie	—	—	15,430 865	—	76 per cent
Total	—	—	$20,368,571	—	—
Total imports of merchandise	—	—	—	$12,301,684	—
Total imports of specie	—	—	—	10,952	—
Total	—	—	—	$12,312,636	—
Proportion of total commerce carried in American vessels					41 per cent
Proportion of total commerce carried in foreign vessels					59 per cent
Proportion of total commerce at New York					29 per cent
Proportion of total commerce at San Francisco					70 per cent

ENGLAND'S COMMERCE WITH CHINA.

The following statement, compiled from the English Parliamentary Reports, shows the value of the commerce of the United Kingdom with China (including Hong Kong) for the ten years from 1867 to 1876 inclusive, reduced to dollars, at five dollars to the pound sterling:—

Years.	Exports of Merchandise.	Imports of Merchandise.	Imports of Coin and Bullion.	Exports of Coin and Bullion.	Total Commerce.
1867	$38,347,030	$47,618,875	$21,020	$1,303,580	$87,290,505
1868	43,634,830	58,586,845	6,985	4,143,915	106,372,575
1869	46,209,805	50,481,600	8,080	8,356,755	105,046,240
1870	49,670,620	49,528,580	2,717,005	1,968,970	103,885,175
1871	49,100,040	61,485,825	15,348,380	1,279,550	127,213,995
1872	49,848,310	71,976,240	309,465	194,550	122,328,565
1873	43 137,995	66,519,585	3,142,340	1,565,775	114,365,695
1874	43 810,750	59,690,970	3,271,635	124,125	106,897,480
1875	44,679,530	74,048,160	2,271,995	4,315,655	125,315,340
1876	39,906,270	81,477,455	4,120,450	6,248,645	131,752,820
Total for ten years	$448,336,180	$621,414,135	$31,217,555	$29,500,520	$1,130,468,390
Average per annum	44,833,618	62,141,413	3,121,755	2,950,052	113,046,839
Average per annum for last five years	44,276,571	70,742,482	2,623,177	2,489,750	120,131,980
Average per annum for last five years per capita of population of China	$0 12	$0 18	—	—	$0 30

RAILROAD MEN IN COUNCIL.

THE QUESTION OF CONTINUING THE GREAT "POOL" TO BE DECIDED IN CONFERENCE.

A very largely attended conference of representatives from some of the principal railroad companies throughout the country was held yesterday afternoon in the Windsor Hotel. The roads represented were: Baltimore and Ohio, by J. King, Jr., vice-president, C. M. Wicker, general freight agent, M. L. Daugherty, and C. A. Chepley; Pennsylvania Railroad, A. J. Cassatt, third vice president; Erie, G. R. Blanchard and R. C. Vilas; the Pennsylvania Company, comprising the Pittsburg and Fort Wayne and Pittsburg and Chicago roads, Mr. J. N. McCulloch, first vice president and Mr. William Stewart, general freight agent; St. Louis, Vandalia, Terre Haute and Indianapolis, Major John E. Simpson, general manager; Michigan Central, H. S. Ledyard, general manager; Chicago and Alton, J. C. McMullin, general manager; James Smith, general freight agent, and L. J. Seargeant, traffic manager; Indianapolis and St. Louis, H. B. Hurlburt, president; Indianapolis, Cincinnati and Lafayette, M. E. Ingalls, receiver; Indianapolis, Bloomington and Western, General George R. Wright, receiver; Lake Shore and Michigan Southern, John Newell, general manager; Atlantic and Great Western, J. H. Devereaux, receiver; Cleveland, Cincinnati and Indianapolis, J. H. Devereaux, president, and H. B. Hurlburt, vice president; Canada Southern, J. Tillinghast; Ohio and Mississippi, J. King Jr., receiver, and W. Dunc