whole supply from being immediately exhausted; and, although Kanimann gave orders to have three more wells dug, each of which offered more or less water, two or three of the native guides (whose names, by some oversight, had not been inscribed) died of thirst. The sufferings of the troops for two or three days, until the water became more plenti ful, were very great. In the meantime, as there was not enough water for the camels, Kauimann sent the whole train back to Adam Koorulgan to let them drink and to get a fresh supply of water be fore making another attempt to proceed. They were sent with an escort of four companies, or 600 men, and it was against them that the troops of the Khan made their first serious move-Sadik, then probably camped on the Amoo, having been informed by his sples that Kaufmann had sent all his camels back under a small escort, determined to fall on them and cut them off. He took 500 Turcomans, each provided with two horses, and, passing Kaufmann at Alti Koodook, reached Adam Koor ulgan early on the morning of the 18th of May, The attack was conducted with considerable spirit and vigor. Sadik having very well comprehended that if he could capture Kaufmann's camels the army must perish. It was about four o'clock in morning when the Russian pickets were driven in and the alarm was given. The troops immediately seized their arms, and by the time tney were ready to receive the enemy he was within 200 yards. The Turcomans advanced with loud cries, a custom they have, partly to frighten the enemy, partly to keep up their own courage, showing con siderable temerity and evidently determined to make a vigorous attack. Their standard was borne by Sacik himself, on a splendid white horse, and he advanced so near that if any of the sharpshooters had known it was Sadik they would certainly have picked him off; but by this time the sharpshooters had got fairly to work and the l'urcomans did not even approach so near as before. Soon perceiving the impossibility of advancing in face of the superior arms of the Russians, they finally retreated, completely discomfited. Sadik, as appeared from the reports of the prisoners taken, had been conadent of a complete victory, having been misinformed as to the real number of troops he would have to deal with, supposing he would only find a mere handful of men, and had actually brought a supply of cords to bind the prisoners he should take. This was the first serious encounter the Khivans had with the Russians. They were very much discouraged by it, although still not without hopes that Kaufmann would be unable to reach the river. THE PERILS OF THE MARCH.

Kaufmann in the meantime suffered the greatest anxiety, and his soldiers the greatest hardships on account of the want of water. Only those who nave experienced it can form an idea of the horror of being among a mass of men who are suffering the pangs of thirst, and, although the remarkable discipline of the Russian troops prevented anything like the least disorder, the consciousness on the part of the officer that the time might come when no discipline would be possible, and that then they would fall an easy prey to the enemy, who were prepared, and relying upon such an eventuality, was not the least among their woes. Gradually, however, the water grew better and more plentiful, the daily wants of the army were supplied, and that immediate pressing need was not felt, but their forebodings for the future were of the darkest. A week had been consumed by the return to Adam Koorulgan, the camels were growing weaker every day and less capable of carrying their burdens; many of them would certainly have to be left on the way, for, although a very strong beast and capable of carrying immense burdens and enduring great fatigues when in good condition, once enfeebled by a succession of long, hard marches, as were Kaufmann's camels, it soon becomes worthless and months of repose are required to restore it. The camel, it must be remembered, plays the same rôle in this war that railroads do in a European war, and for the army to be deprived of this quadruped here in the desert, either by the Turcomans, or by hunger, thirst and latigue, was to perish. Instead of a load of 600 pounds, the burden allotted to each camel at the commencement of the expedition, this beast was now only capable of carrying 200, and even 100 pounds, and every day the number of these animals which became too feeble to carry anything in-

The anxiety then of Kaufmann may easily be imagined, with not only the success of the expedition, but the life of every one of his men, dependent on him (for a disaster here would be certain death to every soul in the detachment) and the distance to the Amoo still a matter of conjecture. At last, after a week had been consumed, a fresh supply of water was taken, the camels returned to Alti Koomore for the Oxus, with the only alternative left them of reaching it or of leaving their bones in the

It had been found, however, that the camels that were still in a condition to travel would not be able to carry the whole of the baggage; so, very reluc tantly, orders were given to leave nearly the whole of it behind, together with four of the six iron boats Kaufmann had specially made for the passage of the Oxus, two pieces of artillery and nearly all their remaining supply of forage, taking with them only what was of the most absolute necessity.

Two companies were left behind to protect the baggage, and this is why I found troops at Alti

ST. CECILIA'S DAY.

The Celebration in This City-Grand Musical Commemoration Next Sunday Evening.

The anniversary of the birthday of St. Cecilia, the patroness of music, will be celebrated in this city with peculiar pomp on next Sunday evening. This day is commemorated in Rome with grand ceremonies, all the great musical artists who may then happen to be in the Eternal City taking part.

St. Cecilia was martyred in A. D. 230. She is said to have been the inventor of the organ, and has ever been looked up to by Catholics as the patroness of the divine art of music. Her heathen parents belonged to the pobility of Rome, and at an early age she was betrothed to a youth named Valerian, who was also a heathen. Valerian and his brother who was also a heathen. Vaterian and his orother afterwards became converts to Christianity, and also suffered martyrdom. In the fifth century a church was erected in Rome in honor of St. Cecins, and in the year 321 her bones were deposited in the sacred edifice. Painters and poets have devoted their talents in honor of this illustrious lady. Chauncey, Dryden and Pope have written of her, while Raphael and Domenichino and other immortal painters have handed her ligeness down to us.

ten of her, while Raphael and Domenichino and other immortal painters have nanded her likeness down to us.

The 22d of November is the natal day of St. Cecilia. This, year it comes on Saturday, and the celebration will take place on Sunday, the 23d. A new church, corner of 105th street and Second avenue, has been called after this distinguished saint. The Rev. Hugh Flattery is the tailented pastor, and it is at his suggestion and under his control the celebration takes place. A grand sacred concert will take place at Ferrero's Assembly Rooms, Tammany Hall, on Sunday evening, November 23. The principal artists of Mr. Strakosch's opera company have volunteered for the occasion. Among them are Signors Campanini, bei Puente and Nannetti, Mile. Maresi, Miss Cary and a tull orchestra. The choicest musical gems have been selected for the occasion. The price of tickets has been placed at \$1, with 50 cents extra for reserved seats, so that an immense attendance is expected.

The Rev. Father Mequirk, of St. Stephen's, will preach the panegyric of St. Ceclin at the nail-past ten o'clock services on Sunday, at the church corner of 105th street and Second avenue.

MYSTERIOUS DISAPPEARANCE OF A PROYER

MYSTERIOUS DISAPPEARANCE OF A BROKER.

On Wednesday last Mr. E. K. Winship, a broker, of No. 24 Broad street. It is reported, suddenly dis appeared and has not since been heard of. It is mored that Mr. Winship is in embarrassed circumstances and that his mysterious disappearance

cumstances and that his mysterious disappearance is to be accounted for by his autipathy to Sherin's officers. It is stated that on Wednesday morning he left his apartments in East Ninth street at the usual time, and that in the evening his wife received a note from him, in which he stated that he was utterly runed and was going to leave town, but would write to her in a few days. This promise, it is alleged, has not been kept, and his whereabouts is at present unknown.

About 10 days ago Winship had his carriages and horses—valued at \$4,000—removed to Jersey City and lodged in a livery stable. W. W. Burdick, one of the creditors of Winship, learned this fact in some way and placed an execution in the hands of Sheriff Reinhardt. The Sheriff seized upon the turnout yesterday morning and will sell them in a few days. Burdick's execution is for \$5,000. There are two other executions against him in the Sheriff's hands, one for \$3,000 and another for \$16,000.

at the rate of a pint a day, in order to prevent the | THE RETURN OF MR. O'KELLY.

GIBRALTAR, SCDt. 27, 1873.

TO THE EDITOR OF THE HERALD:-The kindness that I have received from the HERALD, and the uniform interest that you have shown in my adventures and efforts to obey the task set down when I went to Cuba, justify me in giving you a report of the conclusion of my mission. I arrived at Santander, a little Spanish town on the Bay of Biscay, on the 10th of July, and was confined in the carcel nacional. My health has not been very good, and I can conceive of nothing gloomier than my life in the vast, dreary rooms of the carcel, the bell tower of San Pedro in prospect, the bay and the distant mountains bounding the hort-

I had not long been confined in Santander when the order came for removal to Madrid. I was taken from the prison by an officer of the civil guard, accompanied by a sergeant, and my companion was an officer who had been sent from Cuba under arrest. As no adventure took place on the trip we came to Madrid in good time, and were driven to the office of the Minister of War, the splendid palace of Godoy, now one of the attractions of Madrid. The Minister of War simply acknowledged my arrival and sent me to the Minister of State, who occupies appartments in the magnificent palace of the kings of Spain re-cently abandoned by Amadeus. From here I was sent to the American Legation, and was informed that, while I would not be released at once, I might remain at liberty in Madrid by giving my parole to the American Minister. I was received courteously by General Sickles, who shook hands warmly, and said to the official who accompanied me that he would accept responsi bility for my appearance. The General then further informed me that until the government gave me final liberty I would be expected to report daily to the Secretary of Legation at the Embassy. Upon returning to the State Department and giving the Minister the letter of General Sickles, I was at liberty for the first time for months-walking without a guard. Here I had the pleasure of meeting Mr. Stanley, your celebrated correspondent, at that time staying at Madrid, from whom I received many attentions.

My long imprisonment has left me in a state of nervous instability, which made It impossible for me to visit the museums. I had an intimation also, which served to increase the horrible monetony of Madrid, that it would be well for me not to visit the Cortes, least the opposition papers should make my release a point of attack upon the government, I expected to have had a final release in a few days. Weeks rolled around. My life of quasi liberty tied, as it were, to a chain which gave me only a certain limit, was almost as distressing as my life in prison. So, after delays became unbearable, I went to General Sickles. I was informed that he had taken cognizance of it in the absence of Mr. Layard, the British Minister, who requested him to do so. I had made no application to my own government-that of Great Britain-as, after the very kind interest which had been taken in my case in Washington, I was anxious that the credit of my release should rest with the American Minister. General Sickles informed me that he had been instructed by the authorities in Washington to use his influence with the Spanish government and had spoken twice my life was no longer in danger, he could not give undue prominence over other matters made by mistake in the columns of the HERALD that my release on parole was due to the British Minister. It was due only to the American Minister, acting in behalf of the journal I served. I wrote to Lord Granville about the neglect of his government in my case, and from his reply I interred that the British government would do nothing more about it. A subject of Great Britain, I owe all the consideration I received in Spain to the American government.

Diplomacy seemed to have failed, so, in company

with Mr. Stanley, I called on the great Spaniard, Senor Castelar. He received me with courtesy and benevolence, calling my case to his mind, mentioning the fact that he had ordered me from Cuba and promising his assistance in obtaining my liberty. This was the 23d of August, six weeks after my arrival in Santander. Political troubles intervened: the Salmeron Cabinet went to pieces. This I welcomed, because the Salmeron Minister of the Colonies insisted that I was a dangerous man and an enemy to Spain, and that I might be sent back to Cuba for trial. It is worthy of note that the extreme radical republican government would not release the imprisoned HERALD correspondent, against might no crime was alleged, because it would offend Cuban when Castelar came into power and proposed my release he was assailed by his colleagues, who accused him of abuse of power and of baving overstepped his authority in rescuing me from the volunters of Cuba. For the correctness of this state-ment I have the words of Mr. Castelar himself. He never ceased for a moment his resolution to release me, and from him I received always great consideration and kindness. He permitted me to correspond for the HERALD, thus removing a restriction imposed by General Sickles when giving the guarantee of the United States Legation. I informed General Sickles of this fact when he summoned me to the Legation, and he said that, as the Spanish government had undertaken to treat directly with me, he had written a letter to the Minister of State with drawing the guarantee of the American legation and desiring me to proceed with the Secretary to the Minister of State. Although I felt that the sudden withdrawal of the protection of the American government at the most critical moment would expose me to the danger of being sent back to prison and consequent annoyances and humiliations, I simply acquiesced in the action of the Minister, saying that it was perhaps as well to bring matters to a point. This phrase was taken up and repeated almost menacingly by General Sickles, as, after standing in that gentleman's presence for about 20 minutes, I bowed and retired with the Secretary.

tary was not very gay. It was necessary to conceal my feelings of contempt and indignation and listen and pretend to be interested by the elegant twaddle of my companion. A man marching to the scaffold can support the trials of the moment, because they have a term and one inevitable; there can be no violent alternatives of hope and jear, because there can be no escape from doom : but with me all was uncertain and vague. The day was hot, but I did not feel the heat, and as I crossed the burning plaza the drops of cold sweat were rolling over my lace, and the nervons jumping of my heart increased until every stroke sent a thrill of pain through the whole system. The Minister of State received me kindly, read

the letter of the American Minister cancelling my parole and surrendering me to the Spanish government, and said he would submit the matter to the Council of State. I was not handed over to the police, but allowed to go at liberty without any parole. I might have left Spain at once, but thought that it would be better to wait a few days, in order to give Senor Castelar an opportunity of granting me a formai release. I visited the historical scenes in the neighborhood of Madrid, no longer under zealous restrictions; no longer impelled, like a ticket-ofleave man, to report to the Secretary of Legation that I had not broken my word of honor. From here I went to Cordova, thinking little of mosques or mausoleums, dreading the next civil guard I saw would take me into custody by the command of Mr. Castelar. From here I went to Seville, finding that city of riots perfectly caim. There were marks of war, cannon balls and ride balls. No one interfered with my journey, so I went to Cadiz. The steamer for Gibraltar had started, and there would be none other for several days, and by good fortune the United States ship-of-war Alaska came into port, The Captain received me kindly and informed me that he would take me to Gibraltar. On the evening of the 24th I went on board his vessel, and in the morning landed at Gibraltar, from which place I write you to announce my final deliverance from Spain and my expectations to be soon with you again in the United States. Respectfully

JAMES J. O'KELLY.

from the place.

In the matter of the bankruptcy proceedings of John E. Fox & Co. vs. Jay Cooke & Co., the order to show cause has been issued by Judge Blatchford and is made returnable on Saturday next.

THE TWEED TRIAL.

Close of the Summing Up-The Judge's

Charge. The Tweed trial was resumed at nine o'clock yesterday morning in the Over and Terminer Court. The

SUMMING UP FOR THE DEFENCE,

Counsel in his summing up handed in a number of written objections to the various counts in the indictment. Particular stress was faid on the word "audit" as being one of legal significance, the meaning of which cannot be determined by averments in the indictment. The defendant, counsel argued, could not be bound to find out the exact amount due on a bill; otherwise, no matter how carefully he discharged the duty, if it could be proved that he failed to find out the amount, he could be convicted. Moreover, it was clearly impossible for such a duty to be performed, and the detendant was not to follow the course prescribed for the appropriate officers, and was bound to accept the statements of Wat-son and Woodward. The three defendants indicted were left by the act to a lopt their own method of auditing. Mr. Tweed clearly could not rely upon Garvey's affidavit, for the prosecution retused to call him in evidence, and it must be presumed that he relied in good faith on the co-operation of the codefendants. The act constituting the old Board of Supervisors required that the accounts, after passing the Board, be audited by County Auditor Watson and approved by the Comptroller, and by analogy the defendant is right to follow the same course under the new act. He had the audit of Watson and the approval of the Comptroller, and, more than that, of the Mayor, before he certified. With regard to the allegation that the defendants did not audit because they did not meet, Mr. Tweed could not compel his colleagues to meet. If they refused or neglected to meet, they could be compelled. Counsel next handed in a set of propositions, setting up the idea that the word audit was a term of relative signification. Mr. Tweed was Commissioner of Public Works, and this office required most of his time. The Legislature could not have meant to impose on him work which was impossible, if audit is to mean what it is described to be in the indictment. Exclusive of duties devolving on him as Commissioner of Public Works, he could neither eat, drink nor sleep in the 24 hours if he was bound to audit the county claims in the

sense of the indictment.

Counsel next read a proposition that defendant had no control over the payment or otherwise of bills by Con-nolly, once the certificates left his hands, and that he is not answerable for any loss of vouchers and other papers unless it be proved they were in his custody when lost. Condemn Mr. Tweed on the defective memory or perjured memory of witness! Gentlemen, I shall have a word to say about those deposit tickets. We charge that they are suppressed to accomplish his damnation. They are between the bank and the Grand Jury room. Who laid hands on them but the officers of the law? I tell you, in these will be found most damning evidence against the bank, showing that there was collu sion between Woodward and some one on the inside of the building in reference to his drafts, of which these the building in reference to his drafts, of which these were the tickets. Speaking of the defendant, he said, Gentlemen, I knew him in his sunshine, and I believe he will yet emerge from the shade. I knew him as a man from head to feet, and from jeet to head, a man to respect and honor; and if there is a particle of suspicion around him, it is not brought home to him by any proof that could justify you in conviction. As to Garvey, who was to be the principal witness to convict him, he was too rotten, and they could not pick him up but what he would fail to pieces.

Mr. Tremain—Is this proper, your Honor?

Judge Davis—It is not. We have enough to do to attend to what is before us.

Comsel then went on to insist that the defendant was fully entitled to the benefit of his previous good character until the contrary is clearly proved, and reminded the jury that George Washington and Andrew Jackson, and even Charies O'Conor were maligned and their actions misconstrued. Counsel reduced the case for the prosecution to these three chreumstances:—That defendants in the certificate of audit, and that when West.

Woodward adding two-thirds to Davidson's buils, and getting Keyser to sign a warrant lave down. To convict an the convention of the city government, had put himself in the power of these parties and entered into a plan with his mintons to rob the treasury. The legal presumption was that he signed his woodward were in payment of a debt. Counsel then explained how the plan worked, Woodward and those acting with him used a lew of the certificates to push through these fraudulent bils, and Mr. Lynes, who, as through these fraudulent bils, and Mr. Lynes, who, as through these fraudulent bils, and Mr. Lynes, who, as the outside of the vouchers, never went to the trouble of examining the inside, but presumed it was all right, and could not know what was going on. There could have been no understanding between the detendants to plun one of the acutest criminal lawyers of the bar, instead of saying to Tweed, "Come, let us go over and see what these vouchers disclose against all of ns," fook Mr. Storrs and the country of the criminal lawyers of the bar, instead of saying to Tweed, "Come, let us go over and see what these vouchers disclose against all of ns," fook Mr. Storrs and the lickets are put away. The Secretary of the Grand Jury never saw them. I he ever laid his hands on them they would be sale. Mr. Allein never saw them, I restricted the continuous properties of the criminal law, which would at all everhs exonerate Mr. Tweed. Mr. Keyer's warrants were pressed because Keyser was knew, as counsel would prove, that they were not. But those who were after Mr. Tweed were bad enough for anything. Those whose interest it was to concel vouchers selected the biggest hearted man for a victum. Keyser award has fled, firven away by twenty indictiments, for not man could adord to stand and fight them out. Keyser seems him the bill sold and fight them out. Keyser seems him the selected and and fight them out. Reverse was the sum of the could be added to a sum of the selected the same passions and inclinations. I ask you to loo

THE TWEED TRIAL.

The Summing Up of Counsel for and Against—
Charge of Judge Davis to the Jury.

The Summing Up of Counsel for and Against—
Charge of Judge Davis to the Jury.

Business in the other County.

Testerday Frank Daniel, a colored waiter, who had been charged with stealing \$2.20 from another waiter on board the steamer State of New York, running from Hartford to this port, was discharged by Counnissioner Shields, the evidence for the precision to taily tailing to support the accusation.

Not long since the distillery at Thirty-ninth street and North River was reized because, as it was alleged, spirits had been illegally removed from the premises. On Menday night United States Deputy Marshals Dowley and Hackett proceeded to the distillery with the view of removing the property therefrom, when they were set upon by a lot of roughs, who used knives and clubs to such an extent that the marshals had to call upon the police for assistance. But the latter, it appears, did not render much help, and, finally, the marshals were driven from the place.

In the matter of the bankruptcy proceedings of John

Egypt County Co

Counsel for the defence—If I do, we must have the Rev.
Mr. Freman in the puipit.

Counsel went on to accumulate proofs that there never was a meeting of the Board of Audit but one, when they delegated their powers to Wason, and argued that if there was any other meeting they could easily prove it. They meant to keep up an appearance, but leit the whole thing to Tweed, and that was the meaning of the "authorization of the collection of amounts due being the certificate of the Clerk or President." They bowed down before the signature or the "Boss." These signatures were take and fraudulent from the start. Who was in the Senate when these schemes were concocted and came down and became the centre of the plyot from which the deadly missle was shot! Who signed his name across the bills: Who wished the evidence of his guit away? Who stood with his big pockethook at the Broadway Bank to receive 24 per cent on these nefarious schemes? William M. Tweed, whose signature was endorsed in advance at the first and only meeting ever held of this Commission of Audit. Day by day he received his—as floss Chief of the world, as the press called him—24 per cent at the bank. This man, whose counsel make it a boast that he is able to give \$1,00,000 bail, but on judgment the property vanishes. Sconer or later I hope the law will condemn him; but at the end of three months after the civil suit, he walks out a free man. Mr. Tremain spoke of the enormous expenditure on this Court House, and said if poor, innocent Tweed had looked into the law he must have known these items were illegal. These expenditures made the Court House more covelly than the British Houses of Parliament, and yet such is the accommodation that counsel for the prosecution—all hadded together—and there is but one water goble in court, and they have to drink at the rate of a gill a time.

As to Gartery Nor Bring Examine, a witness without going through the counsel for the prosecution—all hadded together—and there is but one water goble in court, and they have to drink

died logether—and there is but one water gobiet in court and they have to drink at the rate of a gill a time.

As TO GARVEY NOT BEING EXAMINED, the case was abundantly proved without him. The prosecution wished to spare the jury. They believed Garvey would tell the truth, but they wished that no excuse should be given to the jury for not finding a verdict on unquestioned and uncontradicted testimony. When a case is so clearly proved, why call unon one of the insiruments of the detendant in these vast trauds upon the city: The defendant was the central firme of the ring, controlling the courts of justice, and his son assessment of the detendant in these vast trauds upon the city: The defendant was the central firme of the xing, controlling the courts of justice, and his son the ring, controlling the courts of justice, and his son the examination of Mr. S. J. Tilden in the Broadway Bank that these gizantic frauds were discovered, and accounts were thrown open which otherwise would be sacred as the contession of a penificant to a priest or a client to an attorney. I weed received the hon's share of the spoil. The vouchers are everywhere destroyed. His signature was the last act preceding the crime of the voucher. He was every day ready to receive his spoil, yet, according to his counsel, everybody but he is signature. Copeland, chief evidence for the defence, was the orange from which all juice was extracted by the prosecution and then dropped. He took his eggs to market, to a defendant in distressing want for a witness, because all his good and honest witnesses had been indicted and run away. What dependence could be placed on the testimony of a warrant on which Tweed was arrested for his connection with the trauds, and who afterwards swore the contrary? Mr. Peckham, though relocant to appear as a witness, had to go upon the stand, and he swore this witness. Copeland, never told him he had not full familiarity with the vouchers. Copeland stands into the prosecution and this militarity with the vouchers. rested for his connection with the Trauds, and who afterwards swore the contrary? Mr. Peckham, though reluctant to appear as a witness, had to go upon the stand,
and he shore the contrary. Peckham, though reluctant to appear as a witness, had to go upon the stand,
and he shore the stands, so peland, never told him he
are the stands of the stand of four.

In conclusion counsel confidently called for a verdict of guitty. The speech lasted over four hours, concluding at half-past five P. M. The court then took a re-

At five minutes to seven, Judge avik having for light two candides to seven, Judge avik having for light two candides to seven, Judge avik having for light two candides to seven, Judge avik having for charge. He coumenced by overruling counsel's objection that the statute of May 30 1873, repealed the statute of the day previous, the latter being ac parritate materia, and both to be read together. The simple repeal of a law does not excount as a man who violates a seriatim, and it he omitted any of them, he wished his attention to be called to it. He agreed to the correctness of the proposition, that if the Comptroller paid out money, the offence was his own, not Mr. Iweed's, unless of the proposition, that if the Comptroller paid out money, the offence was his own, not Mr. Iweed's, unless of the proposition, that if the Comptroller paid out money, the offence and his his hoffice, refrain from saying a word on the case, but leave it to the jury on the summing up. He did not agree with those who thought a judge should refrain from saying a word on the case, but leave it to the jury on the summing up. He did not agree with those who thought a judge should refrain from saying. The summing up, the did not agree with those who thought a judge should refrain from saying a word on the rich and another for the poor. All are entitled to its protection and amenable to it, and if it turns out that it operates different the season of the proper should be readed to the season of the people, and juries and season of the people and juries must see to it that this elementary principle is rigidly enforced, and if officers and the officers must keep in mind the benefit of the people and juries must see to it that this elementary principle is rigidly enforced, and if officers and the officers must keep in mind the benefit of the people, clothed with due to the say the people and juries must see to it that this elementary principle is rigidly enforced, and if officers we positions to enrich themselves at the expense of the people,

McB. Davidson's account was \$16,340 for safes. Somebody raised the claim to \$0,000. If it was crigmally \$40,000 they might make a mustake, but you find it raised. The \$40,000 deposited to the credit of the chairman, and the his deard of which Mr. Tweed was passed by Woodward to Iweed's account, and Isubmit this evidence to you, in the abence of any executions, to like whether these men did their duty has been been evident to the control of the maintain, to like whether these men did their duty has been evident to the control of the maintain, to like whether these men did their duty has been entitled to the same mistake, but you find that out. I not the same mistake, but you find that out. I not the same mistake, but you find that out. I not the same mistake, but you find that out. I not the same mistake, but you find that out. I not the same down the same day by that Board over \$1,000,000 went to Woodward's account. We have before us 10 of Keyer's accounts. I had these gentlemen take up these accounts and pass on the work of the same take to these accounts and pass on the same day in several mistake. The Butler Will Case.

Before surrogate Bolert C. Hutchings. The Butler Will Case.

The Butler Will Case.

Before surrogate Bolert C. Hutchings. The hearing in this contested will case was continued them making them occur not earlier than 1625. One of them is simply. For plumbing, roofing. Ac., and sundries omitted in general bill. It does not say in the contest of the property should be some mistake, but the same day in several instances. His Honor next called attention to Garrey but the same day in several instances. How did it happeen, he asked, that Garrey could put in a solitary item, merely reforming to bills remained the same day in several instances. How did it happeen, he asked, that Garrey could put in a several property of the several property sale was a several property sale with the case of the same of area of all explanations of a sew days. It is appears by the bank books that out of these claims of G

against the rapacity, avarice and wickedness of public officers.

His Honor then instructed the jury that there were two presumptions in favor of Mr. Tweed—the legal presumption of innocence and the presumption that as a judicial officer be was acting legally, and this presumption remains up to the time the jury are satisfied the certificates were false.

In conclusion be said:—I hope-you are prepared to deal with this case, not only to protect the nublic against the rapacity of officials, but also to give detendant the benefit of any reasonable doubt and of a failure of proof. If you find him guilty of neglect on any number of counts and not of all you will state on how many counts—on the Garvey, Keyser and Davidson's accounts. The indictment is not sustained on the others, and it you should convict him Keyser and Davidson's accounts. The indictment is not sustained on the others, and if you should convict him on those others the Court will direct a verdict of not guilty on them.

The seventh juror asked if they might have Garver's checks. The Court asked if the detence consented, and there was no answer, and his Honor described the checks to the jury. Numerous requests to charge were then made by the detence, most of which were retused and exceptions taken. At five minutes past nine o'clock the jury retired.

THE STOKES JURY.

The Eleventh Juror Arraigned in the Court of Oyer and Terminer-An Officer Attending on the Jury also Arraigned-Indictment Against the "Eighth" Juror. After recess in the Tweed trial an episode occurred

which, to borrow an idea from Byron's "Dream," was not all an episode. It at all events was certainly of a character that was calculated to produce a decided im date melo-drama for this jury's special benefit, but of course this is mere outside talk.

Robert Porter, the eleventh juror on the Stokes case, was brought up and arraigned for having separated himself from the rest of the jury when forbidden to do so. He pleaded not suitly, through Mr. Abe H. Hummell, his counsel, who stated that in the absence of Mr. Howe, his associate counsel, he was unprepared to put in any other plea. Judge Bavis, upon being asked to fix ball for him fixed it at \$3,000.

John W. Hunt, an officer in charge of the jury, was then arrained to put prepared to put he with the arrained to put prepared to the plant of the min fixed it at \$3,000. far as to say that it was intended as a sort of interme-

sim. fixed it at \$3,000.

John W. Hunt, an officer in charge of the jury, was then arrained for neglect of duty as an officer. He had no counsel and no means to employ counsel. He did not understand that he had done anything against his duty, and pleaded not guilty. The Court assigned Messrs. Howe & Hummel as his counsel and fixed his bail at \$2,000.

Against James D. Center, the "eighth" juror, an indictment was submitted. Mr. Hummel plead not guilty to the indictment, and \$3,000 was fixed as his bail.

BUSINESS IN THE OTHER COURTS.

SUPREME COURT-CHAMBERS. The Union Trust Company.

Before Judge Barrett.

An application was made yesterday for an order permitting Mr. E. B. Wesley, Receiver of the Union Trust Company, to deposit in various banks the moneys coming into his hands as such receiver. It was stated that the object of the motion was to permit the receiver to declare object of the motion was to permit the receiver to declare a dividend in favor of the creditors on five days' notice, which could not be done within this time if the money is deposited in trust companies where longer notice was required. Six banks were named in which it was proposed to make the deposits. Judge Barrett granted the motion, stating that he would this morning designate the banks in which the deposits could be made.

The Foley Injunction.

Mr. John Foley is still fighting for his injunction against the Comptroller restraining him from paying the salaries of various clerks detailed from his bureau to the salaries of various clerks detailed from his bureau to do work in the City Chamberlain's office. The case was set down for a hearing yesterday, and Mr. Foley and his counsel, Mr. A. R. Dyett, were on hand. It turned out, however, that the Comptroller, having set aside as special counsel Mr. Dexter A. Hawkins, has employed ex-Judge Beebe as his special legal representative. It was reported that the ex-Judge was sick and could not attend. Judge Barrett put down the case peremptorily lot to-morrow, saying that whether counsel were sick or otherwise the case must be heard then,

By Judge Barrett.

Ferguson vs. Andrews.—Motion denied, with \$10 costs. Kelly vs. Travis.—Motion denied, without costs. and with leave to renew, &c.

Dime Savings Bank of York, Pa, vs. Halsey, Cobb vs. Elimore, Creveling and others vs. Blanchard, Cobb vs. Seymour, Hatch vs. Suikley, Wells vs. Quick, Maplesden vs. Dolirenswert, Ruff vs. German Insurance Company, McLean vs. McDonald and others. Goelet vs. McManus et al., Meriden Silver Plate Company vs. Delevan, Hyde vs. Fernie et al., Law et al. vs. Craig and others, Clark vs. Tuomey, Rosencranz vs. Deutschland, Kesper vs. Wells, Parker et al. vs. Grimley.—Motions granted.

Gillender vs. Nelson, Jr., et al., Clark vs. Tumey, Anstin, et al. vs. The Mayor, &c., New York.—Motions denied.

thi, et al. vs. the Mayor, ac., New York.—Motions denied.

Hamilton vs. Halienback.—Proof of service wanted.

Mechanics and traders' National Bank vs. Weiant.—

Allowance of \$50 granted.

Kamp vs. Kampe t al.—Plaintif's application for an extra allowance granted and \$100 awarded and detendant's application denied.

In the matter, Ac., Taimadge.—Application denied.

Dunham et al. vs. Mackie, Perguson vs. Andrews.—

Motions denied, with \$10 costs.

Risley vs. Indiana B. and W. Railroad Company.—Motion granted upon payment of \$10 costs of this motion.

Lowenstein vs. Martine.—Motion granted, with \$10 costs.

Costs.

Remington vs. Shaw.—Motion granted except as to the \$41.50 costs adjusted, &c.
Kelly vs. Travis.—Motion denied, without costs, and with leave to renew, &c.

SUPERIOR COURT-TRIAL TERM-PART I. Verdict of Damages for Blasting.

Before Judge Curtis.
Frederick Koppelman rented several lots of ground in the vicinity of St. Nicholas avenue. He had here, be-sides his dwelling for himself and family, hothouses and a vegetable garden, from the products of which he earned his living. He charges that the blasting done in earned his living. He charges that the blasting done in work on the avenue, under the superintendence of John P. Cumming, was most carelessly done, that the fragments of rocks broke in the roof of his dwelling, demoilshed his hothomes and destroyed his garden; that his family were obliged to leave the house at times, and that for one season he had to abandon the cultivation of some twelve lots of the ground he rented. He claimed \$1,000 damages. The defence was that the work of blasting was performed with all the care possible, and that the damages were much less than stated. The jury gave a verdict of \$287.50 damages.

SUPERIOR COURT-SPECIAL TERM. Decisions.

By Judge Sedgwick.
Palmer vs. Foley. - Motion to discontinue denied, with-Palmer vs. Foley.—Motion to discontinue denied, without costs. (See memorandum.)

Dodge vs. Anderson.—Motion denied, without costs.
Millan vs. Graham.—Reterence ordered to clerk to take proof of the contents of Exhibit 4. (See memorandum.)

Five vs. Frye.—Order for alimony to plaintiff and for reference.
Phibbs vs. Bonker, Reefsnyder vs. Levan, Griffith vs. Force. Knapp et al. vs. Attmayer, Sohns vs. Rutgers Fire Insurance Company, Stoker vs. British and North American Mail Steamship Company.—Orders granted.

By Judge Curtis.

Maily vs. Ruttger.—Order granting a new trial, costs to abide the event.

COURT OF COMMON PLEAS-SPECIAL TERM.

Decisions. By Judge Larremore.
In the Matter, &c., Weaver Farrell vs. King.—Applicain the matter, the state of the

MARINE COURT-PART 2

Action for Alleged Assault and Battery.

Before Judge Gross.

Before Judge Gross.

Catharine Fitzgibbons vs. John C, Sandman.—Plaintiff alleges that on the 21st of March, 1872, the detendant entered her apartments, at No. 27 Hudson street, during the absence of her husband, for the purpose of removing a damper from the stovepipe. She informed him that the stove was then in use and she could not have the pipe taken down at that time, but he insisted and pushed her back against the door with such violence as to severely back against the door with such violence as to severely back against the door with such violence as to severely injure her back, and she brings this action to recover damages for the bodily and mental suffering sustained, and the time lost, in consequence of the alleged assault. The defendant, who was landlord of the premeas, testified that the plaintiff's husband had a damper, but into the stovepipe which interfered with the draught of the stove in the room below. He draught of the stove in the room below. He damper, but the plaintiff, having forbidden his zering the room, but the plaintiff, having forbidden as zering the room, detendant then went up himself and succeeded in taking down the pipe and removing the damper. He said he did not push or assault the plaintiff, but that she had hold of him when he had hold of the stovepipe, and when the pieces of pipe separated there might have been

At its conclusion, Mr. A. Oakey Hall, the counset for the defendant, took several exceptions to His Honor's charge. The jury retired at noon and at half-past five o'clock rendered a verdict of guilty, coupled with a recommendation to mercy. Copperman was remanded for sentance. The defendant was completely overcome by the verdict, giving vent to his emotions by pulling his hair and other violent demonstrations.

An Interesting Case of Alleged Larceny Acquittal of a Church Sexton.

An interesting case occupied the attention of the Cours during the balance of the day. Thomas Sherwood, the assistant sexton of St. John's Protestant Episcopal church, was charged with larceny. It seems that on Saturday, the 19th of July, about a quarter past twelve o'clock, Daniel D. Forman, while passing through Hudson street, baniel D. Forman, while passing through Hudson street, dropped his pocketbook containing \$135 in money and a check for \$101, that officer Savercool and John E. Hoagland saw the detendang pick up a pocketbook from the sidewalk, which appeared to have a large number of bills in it; the accused gave the officer handman, said that he lived at 59 Vandam street, and that it any one called for tand proved it was his he would give it to him. The officer islowed the man, who gave his name as sherwood, and saw him go into the basement of 59 Vandam street. On the following Monday the officer visited the accused at \$1. John's church. Sherwood answered all the inquiries put, denying that he picked up a pocket book. He then went to dinner, and soon after was taken into custady. For the defence, the Rey. Dr. Dix and several prominent condemn testified that they knew Sherwood to rive years, and that his character for honesty and truthulness was excellent. The accused, his mother and brother testified that Thomas sherwood returned home to dinner on the day in question at twelve of lock. The fact was also brought out that there were a number of brothers in the family and that they bore a resemblance to each often.

The jury rendered a verdet of not guity on echnical legal point, to the effect that there was a reasonable doubt at the time he found the pocketbook whether he meant to convert the money telonously to his own use. The juryes afterwards explained that they did not believe the aliti.

Samuel E. Briggs pleaded guilty to stealing \$33 worth of jewelry, on the 21st of September, the property of Catherine McArdie. He was sent to the State Prison for

Mary Cinamon, who was charged with stealing dresses and shawls, valued at \$31, from Resabella Rich, pleaded guilty to petit larceny. Six mouths in the Penitentiary was the punishment inflicted.

August Von Sath and Charles Sathman pleaded suilty to petit larceny, the allegation being that on the 18th of Cetober they stole \$40 belonging to Adolph Meyer. They were sent to the Petentiary for four months. An Assault.

William II. Moore, an old colored man, who was charged with striking Andrew Rodney upon the bead, on the 1st inst., pleaded guilty. His Honor sent him to the Pentientiary for three months.

COURT CALENDARS-THIS DAY.

SUPPENE COURT—CIRCUIT—Part 2—Held by Judge Van Brunt.—Nos. 2144, 2334, 1275, 1490, 639, 274, 442, 1086, 1090, 1372, 498, 928, 1376, 1378, 1380, 1384, 1386, 1390, 1398, 1398, SUPPENE COURT—CHAMBERS—Held by Judge Barrett.—Nos. 36, 05, 22, 87, 98, 102, 103, 104, 115, 117.
SUPPENDE COURT—THAT TERM—Part 1—Held by Judge Curits.—Nos. 1399, 661, 34835, 379, 69, 883, 593, 633, 829, 693, 703, 705, 61, 749, 761. Part 2—Held by Judge Van Vorst.—Nos. 772, 3695, 820, 275, 804, 1321, 732, 658, 766, 514, 740. CORT OF COMMON PLEAS—TRIAL TERM—Part 1.—Adjourned until Thursday.

COURT OF COMMON PLEAS—GENERAL TERM.—Adjourned for the term. COURT OF COMMON PLEAS—GENERAL TERM.—Adjourned for the term.

OF THE TERM.—ADJOURNEL TERM.—PART 1.—Held by Judge Joachinsen.—Nos. 2348. 2331, 2538. 2542. 30.6. 3200, 3967, 5024. 3028, 3000, 3036, 3040, 3042, 3046. Fart 2.—Held by Judge (Gross.—Nos. 2501, 2999, 2041, 2377, 2472, 2991, 2871, 2573. 2573, 2543, 2599. 2507, 2960, 2967, 3165, 3169, 3547, 3561, PART 3.—Held by Judge Curtis.—Nos. 2596, 3485, 2573, 3529, 2517, 2520, 2627, 2674, 2723, 2503, 2543, 3044, 3044, 3045, 3508, 3564.

2017, 2020, 2027, 2024, 2024, 2020,

BROOKLYN COURTS.

SUPREME COURT-CIRCUIT.

Sanderson's Libet Suit.

Before Judge Barnard.

Lawyer E. L. Sanderson is sung Henry C Bowen a second time for alleged libel, and claims damages in the sum of \$50,000. On the first trial, which took place in January last, the jury rendered a verdict in favor of the January last, the jury rendered a verdict in favor of the plaintiff for \$500; but Mr. Sanderson was not satisfied with the result, and had this second trial granted. The alleged libel consisted of a statement published in the defendant's newspaper concerning an angry interview between Sanderson and a man hamed James, in front of the Court House. Sanderson was counsel for Mrs. James in some litigation, and one day her insband, who had not been on the pleasantost terms with her met the lawyer in front of the Court House and expressed himself rather viscorously, to the editection of a crowd that quickly assembled. A reporter of Bowen's paper was also present, and "wrote the think up." Sanderson admitted that the thing was correctly written up, but aversed that what James had said was untrue. A requently published in the defendants paper.

Trimble's Triumph.

Trimble's Triumph. In the case of Garside vs. Trimble, which was an action for \$2,000 damages, for an assault alleged to have been committed on the plaintiff, who is a woman, the jury rendered a verdict for the defendant. Frimble is an old man, being nearly 70 years of age. The case was re-ported yesterday.

SUPREME COURT-SPECIAL TERM. The Mount Florence Estate. Before Judge Tappen.

In the suit of the United States Trust Company vs. Hel-ena Crafg et al., which involves the Mount Florence estate on the Hudson, a motion was made for a resale of the property. The estate is a valuable one and is in the name of Helena Craig, whose husband is a bankrupt, the property. The estate is a valuable one and is in the name of Helena Craig, whose busband is a bankrapt, and proceedings have been instituted by his assignee to have the title declared to be in said husband. This action was brought to foreclose a first mortgage held by the Frust Company, which, with interest, ac., amounted to about \$31.000. On June 10, 1373, it was soid by J. O. Dykman, retree, to one James B. Brown for \$35.500. He put up \$1.070, out failed to complete his purchase, and the premises were readvertised and resoid, October 14, to A. C. Vall for \$35.200. This sale was in the midst of the premises were readvertised and resoid, October 14, to A. C. Vall for \$35.200. This sale was in the midst of the panic, and the purchaser was unable to procure the \$1.070 deposit required by the terms of sale, but offered to give the referce \$4.000 United States five-twenty bonds, and to procure cash by the next day. He also made other offers as to bids at an adjourned sale, but the referce, thinking that by the decree of the Court he was authorized to receive only a letal tender, resused all offers, and immediately put up the property again, and it was bid in by L. B. Bunnell, who represented the plaintiff at the sale, for \$32,000. He gave up Marshal Lefferts as his principal.

On the part of the defence it is alleged, that the reference has was made by Lefferts in collusion with Frown, and for the purpose of keeping him in control of the property, and to cive him time to complete his parchase. Vail claims that he is worth more than his bid, and is willing to start the bidding at a resale at \$33,200, the amount at which it was knocked down to him, and also claims that the sale to lefferts was a colinaire one.

On the other hand, the plaintiffs aver that the sale was made in good faith, and claim that the referee had no right to receive bonds or anything but cash from the hours for Vail to get his deposit; and further, that the sale was public, and the parties were present and could have bid on the property if th

CITY COURT-TRIAL TERM. The Spencer Divorce Trial-A Church Singer Implicated. Before Judge Neilson. The Spencer divorce suit came up for trial in open

The Spencer airCore and Callet, Mr. Thomas T. Spencer brings action for an absolute divorce from Caroline S Spencer, on the ground of adultery. The charge is that Mrs. Spencer had been on terms of improper intimacy with Mr. George C. Hull, a New York merchant, and Mr. with Mr. George C. Hull, a New York merchant, and Mr. J. N. Wilder, a member of the choir of Dr. Cuyler's leavette avenue Presbyterian church.

The Spencers were married in October, 1854, and lived together until June last. They have had six children, but only two are living, a girl, lour years of age, and an iriant boy of is months. Mrs. Spencer is a daughter of the late William Bradbury, of New York, and both her husband and herself held a high social position in Brocklyin. She emphatically deales the charges of infidelity, and alleges that she was descried by her husband, who rotused to provide her with means of support. The children were taken away by Mr. Spencer when he left, and his wire is desirous of regaining custody of them.

The trial was commenced yesterday afternoon, and after some testimony had been taken, it was adjourned until to-day. The allegations of both sides have been fully reported in the Hishalp on the occasion of some restimony had been taken, it was adjourned fully reported in the Hishalp on the occasion of some restimants of both sides have been fully reported in the Hishalp on the occasion of some restimants of some residence of almony. Acc.