THE COURTS.

THE SCANNELL-DONOHOE TRAGEDY.

Second Day of the People's Evidence--- The Defence Foreshadowed---Two Pistols and Monomania---Captain McElvain's Chase and Capture--- Details of the Assassination.

TWEED AND INGERSOLL:

The Big Boss and His Friend, the Great Carpet Man, Again in Trouble-Suits to Recover Some of the People's Money-A Postponement.

THE JUMEL ESTATE LITIGATION.

A Closing-Up Argument from the Plaintiff's Standpoint-Charles O'Conor Under the Enemy's Fire-Mr. Chatfield's Bombshells-Judge Shipman to Charge the Jury To-Day.

200 100 3 BUSINESS IN THE OTHER COURTS.

Summaries-The Bar on the Death of Judge Emmet-An Important Decision in a Landlord and Tenant Case-Decisions.

The proceedings in the Scannell-Donohoe murder trial in the Court of Over and Terminer yesterday were very interesting and attracted quite a large crowd of spectators, including a number of ladies. In the course of the testimony the defence clearly foreshadowed what their position will be. There appears to be a mysterious pistol in this case as there was in the Stokes case, and monomania or emotional insanity will be set up as a defence also.

The trial of Patrick Mullins, charged with forging his wife's name to a mortgage upon property situate in Westchester county with intent to defraud the Mutual Life Insurance Company, was suddenly brought to an end yesterday, in the General Sessions, before Recorder Hackett. The prosecution relied upon the testimony of William F. Brown, an ex-Justice of the Peace, to show that Mrs. Mullins never acknowledged the mortgage in his presence, but when Brown entered the witness box he swore that she did. Assistant District Attorney Russell was consequently compelled to abandon the case. In the Court of General Sessions, Part 2, two

Italians, named Dejano and Savari, were convicted of assault, with violence. The former, the principal in the assault, was sentenced to five years in Sing Sing. The latter, being merely a looker-on in Venice, was let off with one year's imprisonment.

The civil suits against William M. Tweed and James L. Ingersoll still live. The latter suit was called on for trial yesterday before Judge Van Brunt, sitting in Supreme Court, Special Term'; but, for the convenience of counsel, was postponed till the first Monday of Before the same Judge was also next month. called up for argument the demurrer in the suit of the Mayor against Tweed; but here counsel asked likewise for time, and the case was adjourned till next Monday. Meantime Judge Barrett, in the Supreme Court, Circuit, gave his decision yesterday, which will be found elsewhere, upon the ap-paration to set aside a day for the trial of the civil

The hearing of the case of George W Rowen ve Nelson Chase was resumed yesterday in the United States Circuit Court, before Judge Shipman and the special jury. Mr. Chatfield commenced his summing up on behalf of the plaintiff, and had not concluded at the rising of the Court. He will resume his argument to-day.

That branch of the Superior Court presided over by Judge Van Vorst adjourned yesterday as a tribute of respect to the late Robert Emmet, at one time a Justice of this Court. . Several speeches eulogistic of the deceased followed, by various counsel, upon the motion for adjournment.

THE POOL ROOM TRAGEDY.

Second De y's Testimony in the Scannell-Dogohoe Murder Trial-The Theory of Defence Looming Up-Another Mystic Pistol-Captain McElvain's Chase and Capture-Searching the Body.

The seventh day's proceedings in the Scannell murder trial, in the Court of Oyer and Terminer, before Judge Brady, attracted a large crowd of spectators and the developments were quite interesting and important. Scannell appeared about the same as on the preceding day, a little moody and indifferent. His wife and sister were present and several ladies not connected with the case, but having a penchant for great criminal trials, were also among the audience, in seats within the bar enclosure. Sheria Brennan, Detective Farley, Captain Burden, "Billy" Moloney and a number of other well-known gentlemen were present at various times during the day.

resumed the proceedings by examining Mr. T. W. Decker, a milk dealer, of No. 311 East Thirty second street, who corroborated the witnesses examined on Monday as to the shooting of Donohoe by Scannell. JOHN NESBITT.

of No. 457 Second avenue (who was in Donoboe's company the greater part of the evening on which the latter was shot), was called and testified :- I went with Donohoe to Johnson's pool room or the evening of the shooting; immediately before the shooting I was talking in the back part of the saloon with a gentleman; Donohoe came to me and said, "Let us go out and go next door;" he then walked towards the door; I followed him, and was going towards the door when I heard the first shot; Donohoe and I met at the Blossom Club, and went from there to Johnson's pool room; Scannell standing up at the rear end of the bar: I went into a little antercom and did not see him until after the shooting; did not know who towards the entrance and saw Scannell standing at the foot of the stairs, with his left foot on the first step leading up and his right on the platform; I saw Donohoe lying on the ground; the pistol in Scannell's hand was ten or twelve inches long; he was standing nearest the Sixth avenue side of the door; saw him fire three or four shots at Donohoe,

who was lying on the floor beneath him.

The witness was cross-examined by Mr. Beach the time of the shooting, and asked to point ther out on a diagram of the saloon and entrance; he could not positively swear whether or not any part of Donohoe's body lay across the line of the instead

DR. MARSH, DEPUTY CORONER,

testified to making a post-mortem examination of the body of Donohoe; he found the skull broken in, the brain lacerated, a bullet hole at the side of the nose, one at the back of the head and one in the side of the head; the ball that entered at the nose came out at the side of the head; he found two bullets in the head; any of the wounds in the head would cause death; he found a circular bullet wound in the arm; he also found an old wound in the left brease, with a builet located between the abs (this was where he was shot by Scannell in 1871); the wound in the arm could have been re-

the third that he was tying.

THOMAS GANARY,

hvery stable keeper, of No. 22 Chariton street, testified that he was at the place at the time of the shooting; heard the firing, but did not see the shots or whe fred them; was taking with "Jim"

Barclay and Sheridan Shook at the oyster bar at the time. the time.

He was questioned by Mr. Beach as to the relations of affection which existed between the prisoner and his brother Florence. He had known John and Florence Scannell for eighteen years. Mr. Beach—Did you notice any particular fondness between the brothers when Florence was

live?
District Attorney Phelps objected, on the ground that the witness could only be cross-examined in matters which were brought out in direct examination.

Mr. Beach insisted on his right to ask the ques

Mr. Beach insisted on his right to ask the question.

Judge Brady said he presumed the question was in anticipation of the defence. It was not settled as to whether the proposed line of examination should be regarded as a direct of cross-examination.

Witness stated that he had always noticed a great affection between the brothers John and Florence Scannell; they were almost always together; no matter where he met one the other was with or near him; they seemed to have an extraordinary affection for each other.

Mr. Beach—bid you notice any change in the prisoner after the death of his brother? A. Yes, he became incoherent in his conversation and talked incessantly; his eyes assumed a wild expression, and he grew lighter in his physique.

The witness stated to the District Attorney that Scannell at one time kept a hotel on the corner of Third avenue and Twenty-fourth street, and that he kept it up to the time of the shooting; his wife manages it now; witness had been in there several times.

JAMES CASSIN,

manages it now; witness had been in there several times.

JAMES CASSIN, of No. 216 East Sixteenth street, was called and testified that he was in the saloon at the time of the killing; he was the first man who approached the body of Donohoe and discovered that he was dead; he saw Scannell fire the first shot at Donohoe and saw the latter falling; he erried, "My God, you'il kill him "i' addressing the man (Scannell) who was firing from the entrance; the crowd rushed out of the saloon, tramping over the body of Donohoe; the body was turned over on the back, and some person called out what he thought was, "it is fim Donovan!" knew an acquaintance of that name was in the room and looked around for him; he was then jostled back from the dead body and saw it no more; when witness first noticed the ping, who was shot at he was jin a crouching attitude, as if trying to escape something; as the second shot was fired he lell with his head toward the door; believed Donohoe had his hands in his pants pockets when he was shot.

A recess was taken at this point in the proceedings.

After Recess

After Recess Captain John McElvaine, of the Twentieth precinct police, was sworn, and testified that on the evening of November 2, 1572, he was standing on the corner of Broadway and Twenty-eighth street, having just previously left the pool room at Johnson's; had been standing on the pool of t

AN EXCITED CHOWD GATHERED

station house there was an attempt to lynch him, or rather

AN EXCIPED CHOWD GATHERD

about him with revolvers drawn; his tremulousness and pallor was not so marked at the station house as it was in the pool room; his voice was low in answering questions at the station house, but I do not remember whether there was any tremor in his articulation; there was nothing said to make any impression on my mind when I took the holster irom his body.

(Mr. Beach at this time was fitting the pistol into the bolster and examining it closely.)

Witness continued—I did not notice whether Bonohoe had on an overcoat; I did not show a pistol to Scannell, said to have been taken from Donohoe's body; I think I saw a pistol on the station house desk, said to have been taken from Donohoe's body. (Sensation.)

Redirect—On the way to the station house a very excited crowd followed us, some with drawn revolvers and crying, "Shoet him!" "Kill him!" "Hang him up to the lamp post!" "Put him on the tree!" and so forth; the crowd was partly drawn off on the way to the station house by something that attracted them up Sixth avenue; my attention was attracted to the pool room door before the prisoner came up the steps by the muffled sound of the shorts.

Tolice officer Martin Moloney, of the Twenty-ninth precinct, was sworn next and testined:—I remember the night of the shooting, but did not see the afray; I was on post on Thirteth street; I was directed to search for a pistol in the streets aircaly described as being the route of the prisoner's flight; I lound a pistol under the stoop of No. 250 Fifth avenue; it was on the first step of the basement flight under the high stoop; the entrance under the steps is toward Twenty-eighth street; the pistol was lying on the middle of the steps and I carried it to the station house; this is the pistol flound. (Pistol exhibited.)

District Attorney Pheips placed the pistol in the lact that it fitted perfectly.

The defence declined to cross-examine the witness.

ness.

THOMAS HAWKINS, POLICE OFFICER,
of the Twenty-ninth precinct, was next sworm and
testified—He remembered the night of the shooting; arrived at the pool room ten or filteen minutes
after the snooting; Officer Watson was already
there, and Deputy Coroner Beach was already examining the body of Donohoe; Beach took a watch
and a roll of money from the body and asked me to
take charge of it; I did not see a pistol taken from
the body; a stretcher was brought and the
body Taken to the station; the body was
stripped at the station house by Dr. Beach;
I don't think any of the clothing was removed before the body was taken to the station house.
Cross-examined—I was detailed to watch the
cell in which Scannell was confined at different
times during the night; I could see the prisoner
during the night when I was on watch, through
the bars of the cell: I didn't pay any particular
attention to his manner, but I noticed he was
quiet; during the night he sometimes got up of
his bed and waiked up and down; I did not observe
him wringing or siapping his hands, nor did not
notice whether he was muttering; he did not undress himself; he looked clean and tidy; the
prisoner was confined four or five days at the
station house; I was on duty about twice at his
cell auring that time.

OFFICER JOHN WATSON,
of the Twenty-ninth precinct, was next sworn, and
testified—I remember I was in the pool room on
the night of the shooting; Officers Hagan and
Moloney were already there when I arrived; the
body of Donohoe was lying on the floor; I saw Dr.
Beach there; when I got there we has examining THOMAS HAWKINS, POLICE OFFICER,

the body; I did not see a pistol taken from the body; the prisoner had already been taken to

the body; the prisoner had already been taken to the station house.

OFFICER CHARLES HAGAN, of the Twenty-night precinct, was next sworn. He testified—I scarched the pool room after the shooting; I do not remember the time; I was near wood's Museum when I heard of the shooting; I was in uniform; the body of Donohoe was iying on the floor when I got to the pool room; I saw br. Beach open Donohoe's shirt; he was there when I came in; Dr. Bench said a stretcher should be brought; I saw the Doctor examine the body; I did not see any articles removed from the body; I went to the station house with the body; Scanneli was there when we reached the Station house. The desence did not cross-examine. It was now nearly thail-past three o'clock, and the District Attorney suggested an adjournment until this morning, as Dr. Beach, who was to be the next witness, was absent, and it would disturb the order of evidence to call another witness first.

The Court was then adjourned until this morning.

THE RING CIVIL SUITS.

The Mayor's Suit Against Tweed and That of the People Against Ingersoll-Adjournments Granted in Both-Important Decision as to Joining Issue of Fact in the Two Suits.

The civil suits instituted against the leaders of the "Ring" régime to recover the millions of money which they are accused of having wrongfully taken from the city treasury still have a legal existence. and this existence will continue as long as the present well-feed lawyers-and this applies to the prosecution as well as the defence-continue to live, move and have a being, or others can be substituted in their places. But they drag their slow lengths along very slowly. After an interregnum of masterly inactivity the suits against Tweed and Ingersoil came again yesterday before the Courts. Two important phases of these suits presented themselves.

Ingersoil came again yesterday before the Courts. Two important phases of these suits presented themselves.

The important phases of these suits presented themselves.

Flist in order, the demurrer in the suit of the Mayor vs. Tweed was called up for argument before Judge Van Brunt, holding Supreme Court, General Term. Mr. Peckham, on behalf of the Mayor, said he was not prepared to enter upon the argument and asked for a postponement till next Monday. As the opposing counsel asquiesced in the application, the same was granted. This demurrer, it will be remembered, is as to the legality of the present suit in view of a similar suit, based substantially upon the same charges, instituted by the Board of Supervisors against Tweed.

Immediately following the above disposal of the treed's case the suit against Ingersoil was called. Here Mr. Peckham also pressed an adjournment, stating that Charles O'Conor, his associate counsel, was then engaged in the Jimel Suit and was unable to appear until the conclusion of that trial. This case was accordingly postponed till the first Monday in March.

ISSUES OF FAOT IN BOTH SUITS.

Judge Barrett, sitting in Supreme Court, Circuit, yesterday rendered his decision upon the application to set down a day for the trial of the civil suit against Tweed. This application, as will be recollected, was opposed on the ground that no issue of fact has yet joined as to Ingersoil. The following is Judge Barrett, such a separate trial be ordered an appropriate judgment under section 25s, order a separate trial. It is used a separate trial be ordered as a separate trial. Be ordered would be irregular, until it is ordered as a separate trial. Be ordered by an application to the Court at Special Term, Chambers, upon such good cause shown as will justify the conclusion that justice will thereby be promoted (sec. 258). The case must therefore be reserved generally to be brought in with its will justify the conclusion that justice will thereby be promoted (sec. 258). The case must therefore be reserved generally to be brought in with its proper preference upon an issue of fact being joined as to Ingersoil, or upon a separate trial as to Tweed being allowed by the Court on motion.

THE JUMEL ESTATE CASE.

The Suit of Bowen vs. Chase-Summing Up of Mr. Chatfield for the Plaintiff-His Argument To Be Continued To-Day-The Case Nearly at a Close. The hearing of the case of George W. Bowen vs.

Nelson Chase was resumed yesterday in the United States Circuit Court before Judge Shipman and the special jury.

Mr. Chauncey Shaffer and Mr. Saw.

yer appeared as counsel for the plaintiff, and Mr. Charles O'Conor and Mr. J. C. Carter for the de-

SUMMING UP OF MR. CHATFIELD FOR THE PLAINTIFF. Mr. Chatfield opened his address with a long ref-erence to the history of trial by jury. He contended that the Court had no more to do with the facts than the jury had with the law. The Court should stick to the province of the Court. He asked the jury to find a verdict according to the evidence. If that was not designed by this mode of trial of what use was a jury? They were bound on their oaths to find a verdict according to the evi dence, and not according to the charge of the Court-not according to any extraneous influences He did not mean any disrespect to the Court; for he regarded an independent judiciary as the last hope of the country. He found that to be the case in all countries in struggles for liberty; and in the present day, when there was a widespread leprosy of public corruption and disregard of oficial obligation, an independent judiciary was the last nope of public liberty. Counsel went on to say that this case had been at trial for eleven weeks and he was sure the jury would be glad to get rid of the Jumel suit. Mr. Chatfield referred to get rid of the Jumel suit. Mr. Chatfield referred to su expression of Mr. O'Conor in reference to the witnesses for the plaintiff, whom he termed "a banditti of "ais," but that, said Mr. Chatfield, was a rancy of the learned gentleman. Having laid down certain propositions which he intended to submit to the consideration of the jury counsel adverted to the evidence for the plaintiff. Mr. O'Conor had said that Mr. Beach had left the case. It was true he had, because he had effet the case. It was true he had, because he had entered into matters more in his line. He had also said that if the case were to be tried again Mr. Hoar would not appear in it and that he (Mr. Chatfield) might be left alone, or he could go to Kilkenny and find a cat. If he went to Kilkenny he might not be able to find a cat, but he might be able to discover a tail, for the cat's had emigrated long ago, (Laughter). last nope of public liberty. Counsel went on to

left alone, or he could go to Klikenny and find a cat. If he went to Klikenny he might not be able to find a cat, but he might be able to discover a tail, for the cats had emigrated long ago. (Laughter).

Mr. Chatfield insisted that after a careful examination of Daniel Hull's testimony it would be seen that he had told the truth, though he (counsel) would admit that the man might have been, owing to his great age and, probably, failing memory, mistaken as to dates. But he had stated accurately the general facts to which he testified. Hull had lived almost the whole of his lifed. Hull had lived almost the whole of his life in the city of Providence, and had, therefore, abundant opportunity of knowing the facts and circumstances which he had been called to prove. Counset read at considerable length passages from the evidence respecting the family of Daniel Hull. When Hull made this statement about seeing G. W. Bowen with Betsy Bowen, nobody had approached him. Bowen had not approached him, but he made that statement at the time take executors were seeking to recover under the will. It was argued against the credibility of Hull that he did not know when his father and mother died. They both died of the yellow fever, and the children, of whom Daniel was one, were sent to the country bettinger, and been employed to find out persons to impeach Hull's veracity, but he had not been able to do so. He referred to this matter because Mr. Hoar, his associate, who had been obliged to leave, had told him that he had not done justice to Daniel Hull. As to the king Henry book and the entry therein, he said he saw certain points of resemblance between the writing in that entry and the eriginal signatures of Reuben Bailou. They would observe that the link in that entry was very pale. Any one who went to school in the early days that he did would remember that him was made from nutgall or mapie bark—not the link that was to be found to-day in their banks and counting-houses. And the circumstances under which the entry was made w

Ballon, and that being about to give birth to a child, and there being no lying-in hospital in Providence, she had to go to that bad house to be confined, no respectable persons being willing to admit her to their houses. He contended that Mr. O'Conor had no right to call the witnesses for the plaint of a banditti of hars. But he (Mr. Chatfield) did not expect that a case of this kind would be carried by denunciation. He denied that Mr. and Mrs. Chase were members of Madame Jumel's family, and when Mr. O'Conor called Mrs. Chase Mary Jumel, that was a misnomer. Counsel held that Mr. Chase had no title to this estate, either through the Joneses of through the deeds that had been given in evidence. A ter discussing the bearings of the deeds made by Mr. and Madame, Jumel in relation to the property in question, Mr. Chatfield closed his remarks for the day after some conversation had taken place between himself, Mr. O'Conor and the Court as to the legal effect of the deeds.

deeds.

At twenty-five minutes to four o'clock Mr. Chatfield said he was suffering from a pain in his side
and could not go on with his argument.
The Court then adjourned till this morning, when
Mr. Chatfield will resume his address.

SUPREME COURT-CIRCUIT.

BUSINESS IN THE OTHER COURTS.

By Judge Van Brunt.
Leer vs. Glass.—Decree settled.
Miner vs. Miner.—Divorce granted.
Staley vs. Staley.—Referred back to referees to take proof, &c.
Gibson vs. V. Decisions.

ake proof, &c.
Gibson vs. Vendergee.—Demurrer sustained.
Haxton vs. Birdsali.—Judgment for plaintiff.
Berge vs. Muller.—Same.
Daily et al. vs. Hascool.—Action may be discontinued on judgment of costs and \$25 allowance. COURT OF COMMON PLEAS-SPECIAL TERM.

Decision. By Judge Larremore.
Fitch vs. Strobel.—Judgment for plaintiff that lien attach and be enforced for \$477.76, without costs.

MARINE COURT-PART L. Important to Landlords and Tenants-An Interesting Decision.

Before Judge Joachaimsen. Jacob and Francis Becker vs. Patrick and Michael Keogh.-This case, which has occupied the Court for the past two days, was tried once before in 1870. resulting in a verdict in favor of the defendants but the General Term granting a new trial, it came up again on Monday, continuing through yesterday. The action is brought to recover a month's rent of the premises 28 Lamartine place. The premises were purchased in the Fall of 1869 by the plantiffs, and immediately thereater rented to the defendants for the purposes of a dwelling at the yearly rental of \$1.700, payable monthly in advance. According to defendants' evidence they made a deposit of \$25 to secure the house, but alterwards returned to the plaintiffs and informed them that they had heard the house bore a bad name, requesting back their deposit; that this plaintiffs refused, saying that such reports were all "moonshine," that the house had been occupied by a respectable widow lady; that the reports were circulated by some parties who wanted to run down the value of the house, and that they would stand between the defendants of all harm; that alterward, at the signing of the lease, a similar conversation took place between the parties, with the addition that plaintiffs threatened to sae unless defendants took the house as agreed, and that under these circumstances the lease was executed. The defendants further testify that upon taking possession they found that their fears were justified; that they were disturbed nights by parties driving up to the house and inquiring for the former occupants, and on being demed admittance using vite language, and that in office ways they discovered that the house had been used by its last occupants for disreputable purposes, and that finally, on the list of December, they went to plaintiffs' place and tendered the keys, stating their reasons, and that on plaintiffs refused in the stating the keys on the desk. They, therefore, set up the defence in this suit that the disreputable character the house had attained was known to the plaintiffs at the time. The evidence given on plaintiffs part denied any such knowledge, and went to contracte the fact that the house had any such reputation, plaintiffs revidence that defendants, after leaving the keys, came at d got them again and endeavored to rent the house to anothe day. The action is brought to recover a month's rent of the premises 28 Lamartine place. The premises were purchased in the fall of 1869 by the plainting, and immediately thereafter rented to the defendants for the purposes of a dwelling at

COURT OF GENERAL SESSIONS-PART I. The Mullins Forgery Case-A Westches-

by & Verdict of Acquittal. Before Recorder Hackett. The trial of Patrick Mullins, charged with forging his wile's name to a mortgage upon property in Westchester county, by which the Mutual Life Insurance Company was sought, it is alleged, to be defrauded out of \$4,000, was resumed yesterday in

ter County Justice "Goes Back" on the

Prosecution-The Accused Discharged

this Court. William F. Brown was called by the prosecution

William F. Brown was called by the prosecution, and testified that he was a Justice of the Peace in Westchester county in February, 1872; that the certificate on the mortgage shown to him was his; that he did see Susan M. Mullins sign it, but that she came before him with Her husband to acknowledge it at the time of the execution, which was February 29, 1872.

This testimony took the prosecution by surprise, as the counsel for the people had the strongest reason for believing that Brown would swear that Mrs. Mullins never appeared before him to acknowledge the instrument which was the subject of the indictment.

The Recorder said that the turn which the trial took was evidently a surprise to the prosecution

of the indictment.

The Recorder said that the turn which the trial took was evidently a surprise to the prosecution as it was to him, and asked the counsel for the people "What they were going to do about it?"

Assistant District Attorney Russell said:—In order that Your Honor may understand the surprise which we have had from the testimony of the last witness, I feel bound to make the statement that I am informed in a credible manner and believe that this last witness was indicted in the county of Westchester as a Justice of the Peace for malefeasance in connection with this matter, and then pleaded guilty of taking this acknowledgment without the presence of Mrs. Mullins, and judgment was suspended upon that indictment, on condition of his resigning his office as Justice of the Peace in the county of Westchester. We supposed that he would testify to the truth here today; and did not suppose that he would add perjury to malfeasance in office.

The prosecuting officer was therefore compelled to abandon the case, and the jury, by direction of His Honor, rendered a verdict of not guity.

Mr. Russell said there was another indictment against Mullins. The accused having given bail to answer this accusation was discharged.

Mr. Clinton, the counsel for Mullins, said that the District Attorney, having stated under erroneous information that Justice Brown was indicted in connection with the matter which had been under, investigation by the Court and jury, it was but just for him (Mr. Clinton) to say that Brown never was indicted for anything having any connection either direct or remote from the matter before the Court. It was another matter entirely, for winch he was fined six cents, and resigned whonerably."

The sudden collapse of the prosecution created

"honorably."

The sudden collapse of the prosecution created great surprise in Court, and, to use a hackneyed phrase, Brown was the "observed of all observ-

Batch of Petty Larcenies-The Culprite Sent to the Penitentiary. A large number of prisoners were arraigned

upon indictments found by the Grand Jury, which were transferred from the Court of Oyer and Terminer to this Court. Most of the prisoners pleaded not guilty and were remanded for trial. Daniel Murray, who was charged with stealing

two pieces of flannel worth \$70, on the 6th instant, the property of S. M. Rollins, pleaded guilty to an attempt at grand larceny, and was sent to the Penitentiary for two years.

Thomas Walker pleaded guilty to petty larceny, the allegation being that, on the 7th instant, he stole ciothing valued at \$25, the property of Charles M. Church.

stole clothing valued at \$25, the property of Charles M. Church.
A similar plea was accepted from Susan O'Brien who was charged with stealing \$40 worth of wearing apparel from Fannie Porter on the 2sth o January. y. es Rooney also pleaded to the lower grade of

James Rooney also pleaded to the lower grade of larceny, he having been jointly indicted with Thomas Farreli for stealing, on the 21st of January, 540 worth of rope from Joan D. Crimmins.

These prisoners were each sent to the Penitentiary for six months.

John Foley and Archibald Hadden (boys),

charged with burgiariously entering the premises of George Peyser, No. 3 New Howery, and stealing some eigars, pleaded guilty and were sent to the House of Reiuge.

COURT OF GENERAL SESSIONS-PART 2 The Italian Baudits Again. Before Judge Sutherland.

Another stabbing afray case was tried in this Court yesterday, Philomena Dijano and Angelo Savaro being the defendants. It was the same old story of jealousy and promiscuous slashing and cutting. Dijano, who was a short, pow-erfully-built man, of about twenty, with a smooth face and bright, large gray eyes, became suspicious about his wife, and went to the house of Angelo Stellano to find and went to the house of Angelo Stellano to find her. He was accompanied by a friend, Achille Savaro, and was armed with a knife and a hatchet. The Italian spoken by all the witnesses was a peculiarly unintelligible variety of patois, and the interpreter had to bring all his linguistic powers into play to get pertinent answers. While his friend Achille remained down stairs Dijano found his wife and her mother in-law in the room of Stellano, and at once began a murderous assault upon the latter. He hit him on the head with the hatchet and then carved his shoulder with a long, ponderous dirk, which appeared to be worn thin by long use. The wounds were very severe, but not dangerous. Dijano pleaded guilty, but as there was some doubt about Savaro, all the evidence was taken. The lary found both prisoners guilty. Dijano was sentenced to five years, with hard labor, at Sing Sing, and his accomplice to one year in the Penitentiary. In the only other case tried, the prisoner, Join Magnire, charged with the larcedy of a dress valued at \$5, was clearly innocent, and was so found by the jury.

THE LATE JUDGE EMMET.

Adjournment of the Superior Court as a Tribute of Respect-Speeches of Various

Counsel and Judge Van Vorst. Aunouncement of the decease of Robert Emmet. at one time Judge of the Superior Court, has already been made in the Herald. Out of respect to his memory the Superior Court, Circuit, presided over by Judge Van Vorst, adjourned yester-

Mr. H. W. Clark made the motion for adjourn ment. After alluding to the death of Mr. Emmet at his late residence, at New Rochelle, he stated that, being much younger in years, he never enjoyed the privilege of practising at the bar with joyed the privilege of practising at the bar with him; but it had been his pleasure to know him and his family intimately for many years. He characterized the deceased as belonging to that race of lawyers of which very lew were left now, and in conclusion paid a glowing tribute to his great activity in his profession and unswerving integrity. Mr. Anthony R. Dyett, in seconding the motion, said that he enjoyed the rare privilege of an intimate acquaintance with Mr. Enmet. He should never forget his genial manner and his stern sense of justice. While upon the bench he adorned the position he held, and its honors and digmity sat with grace upon him. He had gone now, full of years and full of honor. He was a sound and able jurist, and his death leaves a void not easily filled. He considered the present a fitting time to stay the mimic battle in which they were engaged, to lay aside their armor and briefs and books, and with bowed heads and sorrowful eyes await the solemn cortige that bears a comrade to the grave. He had passed away, but his memory would linger torever with them.

Judge Van Vorst said that the motion to adjourn was an eminently proper one. Mr. Emmet had been a distinguished lawyer before his elevation to the bench. He was the son of Thomas Addis Emmet, a name known to be honored, loved and respected. He became a Justice of this Court in the year 1852, having been appointed to fill a vacancy occasioned by the death of that distinguished jurist, Louis H. Sanford, and he was subsequently elected by the people during the remainder of the unexpired term occasioned by this vacancy. He remained a Justice of the Court until 1854, when he was succeefied by another pure and a ble lawyer and Judge, John Slosson, whose earthly career has him: but it had been his pleasure to know him and

mained a Justice of the Court until 1854, when he was succeeded by another pure and able lawyer and Judge, John Slosson, whose earthly career has also recently terminated. The reputation and fame of Judge Emmet place him among the honogable men of the profession. The motion to adjourn was granted to give the members of the Bar an opportunity to attend the funeral.

COURT CALENDARS-THIS DAY.

COURT CALENDARS—THIS DAY.

SUPREME COURT—CIRCUIT—Part 2—Held by Judge Barrett.—Case oa.

SUPREME COURT—SPECIAL TERM—Held by Judge Van Brunt.—Law and Fact—Nos. 32, 52, 56, 62, 64, 67, 81, 88, 90, 101, 102, 146, 214, 178, 153, 154.

SUPREME COURT—GENERAL TERM—Held by Judges Ingraham and Fancher.—Nos. 217, 221, 222, 223, 224, 225, 226, 227, 144, 175, 176, 186, 188, 198, 228, 229, 233, 234, 235, 217, 241, 242, 243, 11, 244.

SUPREME COURT—CHAMBERS—Held by Judge Davis.—Nos. 98, 23, 56, 100, 102, 103, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 140, 141, 142. Call 153.

SUPREMIOR COURT—TRIAL TERM—Part 1—Held by

COURT OF COMMON PLEAS—EQUITY TERM—Reld by Judge Larremore.—Case on.
MARINE COURT—TRIAL TERM—Part 1—Held by Judge
Joachimsen.—Nos. 1298, 1318, 1418, 1364, 1304, 1448, 2064, 1424, 238, 1418, 1419, 1382, 1889, 2078, 820, 2083, Part 2—Held by Judge Shea.—Adjourned for the term. Part 3—Held by Judge Spaulding.—Nos. 1478, 1479, 122, 8374, 1674, 1704, 997, 998, 1245, 1237, 1735. OURT OF COMMON PLEAS-EQUITY TERM-Reid 1674, 1704, 997, 998, 1245, 1287, 1735

COURT OF APPEALS.

Decisions.

ALBANY, N. Y., Feb. 18, 1873.

morning:- Judgments affirmed, with costs-Garretson Scaman, Bryan vs. Baldwin, Tucker vs. Meeks. Ritter vs. Krekeler, Carr vs. Carr, Rogers vs. Ritter vs. Krekeler, Carr vs. Carr, Rogers vs. Wheeler.
Judgment reversed and new trial granted, costs to abide events—Wiggin vs. The Kider Horse Mail Company. Marvin vs. Wilber.
Order granting new trial reversed and judgment at special Term aftirmed—Dunnar vs. Sage.
Order granting new trial aftirmed, and judgment absolute for defendant, with costs—Allen vs. The Mercantile Insurance Company.
Order granting new trial reversed and judgment on verdict aftirmed, with costs—Murdoch vs. Gitchrist.
Appeal dismissed without costs—Wilkin vs. Rapice.
Court of Appeals Calendar.

Court of Appeals Calendar.

The following is the Court of Appeals day calendar for February 19:-Nos. 89, 40, 267, 268, 64, 638 667, 668, 669. SIMMONS IN THE TOMBS.

His Removal Yesterday-Sharkey and Nixon His Neighbors.

Simmons, who butchered Duryea in so horrible manner, was removed vesterday from Bellevie Hospital to the Tombs. He was still unable t walk, and had to be carried to the carriage in which he was conveyed to the prison. Deputy Sheriff Seebacher, who had been ordered by the Sheriff to remove Simmons, was accompanied by Captain Williams.

"This is a fine day, and I think I had better re move you to-day," the Deputy Sheriff said to Simmons, who replied in his usual gruff voice, "I am ready." Simmons appeared to Simmons, who replied in his usual gruft voice, "I am ready." Simmons appeared surly and indifferent, and spoke but little on the way. When asked how he felt he replied that he felt a little better than yesterday. He still maintains his reticence in regard to the murder, and refuses to be drawn into conversation when the subject is broached. Mr. Johnston, the Warden of the City Prison, received Simmons in his usual kindly manner, and he remained seated close to the stove, on the first tier, until his cell was assigned to him. His relatives and friends were permitted to see him, and they all stole curious glances at Stokes and Foster, whose cells were behind where Simmons sat. Simmons has changed but little in appearance. He is the same powerful, shaggy, dogged man; his beard is a little heavier, and his eyes have a somewhat fiercer glance than when he was first arrested. Dr. Flower, of Believue Hospital, who accompanied his patient to the prison, said it would take two months before Simmons would be able to walk. After the prisoners had all taken their customary exercise in the afternoon he was carried up to his cell, which is on the second tier, No. 42, in "Murderers" Row." Simmons will be in good company. Nixon, Sharkey and the other harmiess genilemen who are awaiting trial will be his neighbors, so that he will enjoy the advantages of congenial society. In the tier opposite are less noted criminals, among them Mr. George Prancis Train, who conversed cheerfully with the Heralds reporter, and seemed to enjoy himself. Simmons' cell is one of the most pleasant in the Tombs; it is clean, not having been occupied for a long time, and light and airy. When the reporter left Simmons he had sunk into a deep sleep.

Next Saturday will be the one hundred and forty first anniversary of "the Immortal Washington." Extensive preparations are being made in this city and elsewhere for a proper and patriotic observ-ance of the day, and appearances indicate that it will be observed, in this city at least, even more generally than it was last year. Parades, military receptions, balls and lectures are already an-nounced in goodly numbers,

PROSPECTS OF THE REPUBLIC OF CURA.

Anarchy Certain Among the Spaniards in Cuba-Conversation with a Distin-guished Cuban Patriot-A Monetary Crisis Impending-The Sugar Market Greatly Agitated. A HERALD reporter yesterday afternoon called

pon one of the most eminent Cuban merchants resident in this city to gain his views about the prospects of the Republic of Cuba, and the following conversation took place:-

REPORTER-Do you expect a revolution in Ha vana, may I ask?

CUBAN-I think it more than probable-almost CUBAN—I think it more than probable—almost certain; and, what is more, I believe that anarchy will soon reign among the Spaniards on the Island. REPORTER—You believe, then, that the volunteers will refuse to obey the home government and the Captain General?

CUBAN—Yes, & do, and I further believe that they will raise Carlist and Alfonsist banners, for these factions are largely represented among their ranks. This also applies to the regular army.

REPORTER—You do not think that the Republic of Spain will come to the aid of the Republic of Cuba?

CUBAN—Not in the slightest degree: for Spain.

REPORTER—You do not think that the Republic of Spain will come to the aid of the Republic of Cubar

CUBAN—Not in the slightest degree; for Spain, once mistress of the Western World, cannot bring herself to part with the "Gem of the Antilles," her last possession in Western waters, even for a monetary consideration. No, sir. We must work out our own salvation. You see how Castelar is acting; he wants to see Cuban representatives in Cortes to plead our case, and his object is to gain time. All the Ministers of the Spanish Republic are pledged to the abolition of slavery in Cuba, and when that is accomplished we shall have numerous recruits from their ranks, if we have not cre then gained our liberty. But, mark my words, the Spanish Republic won't last six months. There are too many discordant elements there.

REPORTER—Commercially speaking, what will be the result in Havana?

CUBAN—They are easy to foresee. The sugar market is mad to-day, and I expect to see the wildest speculation within a lew days or hours. People are now buying largely in view of the abolition of slavery in Cuba, and Spaniards fighting against Spaniards. I expect to see gold go up and currency down, and exchange on London to be fifty per cent premium. A crisis is inevitable, and many thinking business men have expressed to me the same idea.

REPORTER—Are you hopeful that the United

per cent premium. A crisis is laevitable, and many thinking business men have expressed to me the same idea.

REPORTER—Are you hopeful that the United States will accord to the Republic of Cuba belligerent rights?

CUBAN—I am (emphatically.) Public opinion is on our side, and I consider our case never looked brighter or more hopeful. The policy of the United States sprung in days gone by from fear that in the event of Cuba becoming independent negro slavery would be abolished on the island, and that on account of the proximity this might prove dangerous to the vpeculiar institution: but now that slavery is abolished in this conatry that logic no longer holds good. I believe that President Grant sympathizes with us, and thereby does honor to himself. The Cuban Anti-slavery Society are doing our cause great good at the present moment, and the Chairman, Mr. C. S. Scottron, and Rev. H. Garnett, propose waiting on President Grant on the 3d of March, the day before the inaugural is pronounced, with reference to free Cuba.

Thanking the Cuban patriot for his courtesy, the reporter withdrew.

MR. JAMES O'KELLY IN CUBA.

[From La Independencia, of New York.]

The second Herald Commissioner sent to Caba, Mr. James O'Kelly, has sent home to his paper a series of highly important and interesting communications respecting the conditions of affairs, and especially of slavery, in the island of Cuba Mr. O'Kelly evinces a great amount of penetration and intelligence in his ably written letters, and shows that he possesses rare qualities of perception. His letters are graphic, and reveal to the world the fulness of Spanish misgovernment and tyranny; and we now have the pleasure to translate for the benefit of our readers his last letter published in the Herald. We cannot refrain from expressing our admiration at Mr. O'Kelly's enterprise and courage in indicting such letters while residing am-ng the Spaniards, and surrounded by spies on all hands, who what the deplorable state of C.ba to be kept hidden from the outside world. Among other things Mr. O'Kelly gives a highly interesting account of a visit paid by him to a plantation in the neighborhood of Santa Clara, and of the bestial state of degradation in which the slaves are kept. This graphic description has aroused the ire of the Spanish organ in this city—the Cronista—which invokes the Spanish authorities in Cuba to expel Mr. O'Kelly from the island for his effrontery in telling the trath. (Here follows the translation into Spanish of the letter in question). tyranny; and we now have the pleasure to trans-

ART MATTERS.

Water-Colors at Schenck's. At noon to-day and to-morrow a number o water-color drawings will be sold at auction at Schenck's Art Gallery, 60 Liberty street. To-morrow we shall endeavor to specify the particularly meritorious ones more emphatically than we are able to do to-day. During a tour of the gallery yesterday the more salient features seemed to be "Bright Day in the Weish Mountains," by C. K. Bell; "Kingstown Harbor," by the same; on the River Marne," by A. Appian; "Sunset Coast Scene," by Edmund Hill; "Yarmouth Coast Scene," by Edmund Hill; "Yarmouth
Beach," by R. Parsons; "Chocorus Peak," by
William Craig; "Loch Lomond," by R.
Frank; "The Old Mill," by W. Adam;
"The Coming Shower," by Frank; "Greswick Castle," by Craig; "Ben Lomond,"
by W. Gilbert; "Street Scene in Rouen," by George
Rathbone; "Snowden," by Henry Waterman;
"Evening on the Coast of France," by Callow;
"Sunset—Dover Coast," by R. S. Parsons; "Helvelen," by Edward Taylor; "Autumn," by A. Rolener; "Evening in Brittany," by S. Sambe; "Evening on the Coast," by H. Hall; "Gorge in the White
Mountains," by Craig; "Bake in the Wilderness,"
by the same; "Landscape Near Marly," by Miebetin; "The Seine at Boulogne," by Pradon; "Mount
Monadnock," by Graig; "Near Borghetto," by Rowbowtham; "Sunshine and Shower," by Ricco; "The
Alarm of Fire," by Broas; "Sunday Morning," by
Waterman; "Soiltude," by Zimmerman; "The
Mountain Torrent," by Dibden; "The Valley of the
Rhone," by Kunyer; "A Doorway in Tours Cathedral," by the same; "Frint," by Cruikshank;
"West Brandon, Warwickshire," by E. Lait, and
"Sunset on the Coast," by B. Hill.

An Artistico-Literary Sale To-Night.

A semi-artistic value attaches to some of the iterary works that are to be sold to-night at Clinton Hall. They are part of a private library, which comprises standard and illustrated works, in hand-some bindings. Among scarce editions may be mentioned Mrs. Jameson's works, in 6 volumes; Allison's "Europe," in 24 volumes; Audubon's "Birds," elephant folio and text; Thackeray's works, 22 volumes; Scott's, 125 volumes; "Les Evangiles," 3 volumes, and Longman's "New Testament in French!" Sir Archibald Allison's "History of Europe" has a quarto volume of maps, large paper, and plates, tree-marbled, call extra. "Birds of America," by Audubon, contains 100 superb colored engravings, executed on the largest scale, giving the birds in their full natural size, and in most instances the male and female birds, their young, prey, nests and so forth, with descriptive text. Those who remember that Field, in his "Life of Parr," said of Jeremy Bentham that in reference to jurisprudence he had collected knowledge which would take a century to find its way to the mass of human intellect. We feel glad to find Bertham's works here, including his memoirs and correspondence, edited by Sir J. Bowring. Remarkably interesting is the "Bible Nouveau Testament," translated from the Vulgate into French, with notes by the Abbé Glaire. It is profusely illustrated with borders, ornaments and imitial letters copied from Italian manuscripts of the fifteenth and sixteenth centuries, and with his fifteenth and sixteenth centuries, and with numerous engravings on wood by Andrea Oreagna, numerous engravings on wood by Andrea Oreagna, Pra Angelico, Leonardo da Vinci, Pietro Perugino, Francegea Francia, Lorenzo di Credi, Pinturicellio, Fra Befuloimeo, Albertinelli, Ittian, Raphel, Gaudenzio Ferrari, Fra Sebastiano del Piombo, Andrea del Sarto, Daniele da Vaiterra, Barrocci, Paolo Veronese, Jacopa Bassano, Annibale Caracci, Guido Reni, Nicholas Poussin, Antony Van Dyck and Luca Reni, Nicholas Poussin, Antony Van Dyck and Luca Ricitain, with descriptions by Tresham, Ottley and Tomkins, and there is a beautiful edition of the British poets in haif a hundred dainty tomes. Noch Humphreys' "Masterpieces of the Mediaval Printers and Engravers," embraces a series of fac-similes from rare and curious books, such as illustrative devices, borders, initials, printers' marks, and Engravers," embraces a series of fac-similes from rare and curious books, such as illustrative devices, borders, initials, printers' marks, and elaborate title pages. "Les Evangies" is another exceedingly unique afair. It is printed in antique characters from type founded for the purpose and initial letters, exquisite in design and execution, enaracterize the types of the principal epochs of the minaturists' art. The pages are interspersed with metaphorical figures and medallions, and specimens abound of the bandiwork of Albe descriptive text. Those who remember that Field, in his "Life of Parr," said of Jeremy Bentham that