THE EVENING TELEGRAPH.

The Property Left to Mr. Christy's Wife arad Children -\$150,000 Involved.

SUPREME COURT-GENERAL TERM, - Before Chief Justice Barnard, Ingraham and Sutherland.— Harries E Christy and Edwin B. Christy, appellant, against Paris G. Clark, Peter Gilsey, and John J. Nathan. Proponents of a paper writing purporting to be the last will and testament of Exvin P. Chr.sty,

This is the celebrated will case arising from a paper-writing called the will or Edwin P. Christy, familiarly known as the originator of negro minstreisy, who committed suicide on the 9th day of May, 1862; by the paper in question, his wife and children were excluded from all benefit of his pro-perty Pans G. Clark Grew the alleged will, and claims to be executor thereunder. the opinion was delivered by Chief Justice Bar-

Taree questions have been raised and argued: 1. Whether Barriet E. Christy was the lawful airs, and Edwin B. and William A. Christy the egitimate culdren and heirs at law of Edwin 1. Christy deceased, or not.

2. Whether a paper purporting to be the will of Edwin P. Coristy was executed while he was of sound disposing mind or not. 8 Whether said paper was procured to be exc-ted by said Edwin P. Christy by fraud or undue influence or not.

From the return of the Surrogate it does not appear that he considered or pa-se on the first ques-tion. Having found the propounded as a will to have been duly executed, it became necessary for him to pass on the first question. The recital in the Surrogate's decree therefore assumes and asserts that Harriet E. was the lawful wile of Edwin P. Chris.v. and is now his widow, and that William A. and Edwin B. are his legitimate children and heirs-at-law.

Although this recital is not a decision on the point, yet is above that the Surrogate having constitutions.

yet it shows that the Surrogate, having concluded to admit the paper to probate, assumed, for the purposes of the inigation before him, that Harriet E. was the lawful wife of Edwin P. Christy, and is his widow, and that William A. and Edwin B. are his legitimate chi dren and herrs-at-law. This Court cannot, therefore consider the first question with a view of reversing the Surrogate's decrea as he have view of reversing the Surrogate's decree, as he has not passed on it. Nor can this Court, for the purpose of sustaining the decision below, examine the evidence to determine whether Harrist E was the wife and is the widow, and William A. and Edwin R. the legitimate children and heirs-at law of Edwin P. Christy, for that would make this Court on appeal a court of original jurisdiction pro tanto, and to deter-mine here, for the first time, on printed testimony, a question of fact which the parties have a right to

a question of fact which the parties have a right to have determined, in the first instance, by a tribunal that sees the witnesses and hears the oral proof.

This first question is, however, of considerable importance, as bearing upon the other two, and aiding in their decision. In this iew, the Court may examine it for the purpose of seing what probability there is of the appellants sustaining the affirmative of the proposition on a re-trial. For if such probability be great, then, for the purpose of considering the second and third propositions, the affirmative of the first proposition must, on this appeal, be deemed as a found fac, especially in view of the above-mentioned action of the Surrogate in this proposition

gate in this proposition

It is well settled that marriage may be proved by evidence of acts of recognition, matrimonial cohabitation, general reputation, and declarations of the parties: Rose vs. Cars, 8 Paige, C. R., 574; matter of Taylor, 9 Paige, 611; Clayton vs. Waracti, 5 Bark, 214, S. C., 4 N. Y., 230.

In Maxwell vs. Chapman, 8 Bark, 679, it was held that the proven facts, that they went from home avowedly to get married returned, were received. gate in this proposition

avowedly to get married, returned, were received into society, and lived to ether as husband and wite for several years until the man died, were noundant to prove the existence of a marriage. Under these principles, the evidence in favor of the mar-riage between Harriet and E. P. Christy is certainly

The le ters written by him to ber are very strong. The first one read in evidence is dated August 15, 1845, and is addressed to Mrs. E. P. Christy. There is nothing peccubar in this letter. In his letter of October 30, he says:—"I presume you are lonesome, Harriet: but you are foodsh to suppose that I will get weaped from my family."

In this letter of January 16 1848 he says:—'Do not be foolish, Hal., and worry yourself with your folly of imaginings. In his letter of January 27, 1848, he says:-"Has Mr. Miller put that plate with my name on it in sur pew in the church yet? It not, speak to him about it.
I regret to say that I do not place that confidence
in you which a person should, who is connected by
such ties as we are." Again: "My absence in my business from my family is no incentive to produce a want of affection; on the contrary, that very fact should endear them more to me 'Tis a natural re

In his letter of Maich 5, 1848 he says:—'I some-times think I will purchase a nouse and lot there for In his letter of March 16, 1848:-"As regards my coming to Buffalo, I am not particularly anxious to

sul; and nature is my God

see that city unless it is on account o my family Again:-"Go to church, serve God, and take good In his letter of March 26, 1848, he says:-"I am pleased to hear of Mr. Inger-ohl's attention, also your invitation to the sewing society. In his letter of April 8, 1848, he says:—'I am glad to have you make

the acquaintance of respectable persons, and I do not object to your visiting such; it you were young and beautiful. Harriet, or a lump of gold, as you say, I would not be more anxious to see you than I am, but my business would go to the devil if I should leave it one day." In this letter of May 8, 1848, speaking of the illness of his son, B ron, he says:—"God knows, I hope that his situation is not so bad as you think it is;

were be to be taken away from us now, it would be a loss we could never replace, and a source of uncon-trollable grief. You must not worry yourself too much, Harriet; remember, let what happen, you will lave the consolation of knowing that you have always done your duty by your children, and that no earthly want or care was required that was not in attendance." In this letter of May, 8, 1849, he says:—'I am pleased to learn that Mr. Newhall has raid that noie; you need not be atraid of my lending him any more. I have solemn y pledged myself to lead no thereon any more.

lend no person any money of an amount above ten dollars, without the best kind of security."

Besides these extracts, the whole tenor of the letters is such as to lead to the conviction of the existence of marriage relations. They do not contain those strong expressions of love and affection which a young man would address to his betrothed, nor which man would address to his betrothed, nor which a man would address to a unstress of whom be was passionately enamored; but they show that deep feeling of mutual inte est in the affairs of each other which is never found outside of the recognized domestic relations. What does he mean by the expression, "United by such ties as we are?" Does he mean the tie of a kept mistress? Does he deare his kept mistress to mix in respectable society and take a pew in church, with a plate on it, bearing his name? Does he exhort his mistress to go to caurch and fear God? What does he mean when he refers to his family and thinks of buying a home for them; is it basard children and a lewd woman? Who would express such anxiety about his lending money but a wite? To whom but a wire would he, in order to quiet such anxiety, write that he had pledged bimself not to loan?

It is scarcely possible to draw from these letters deep feeling of mutual interest in the affairs of each

It is scarcely possible to draw from these letters any conclusion other than that of the existence of

marriage relations. But there is, in addition to this, considerable proof that they were known among their iriends and acquaintances as husband and wife. His

and acquaintances as husband and wife His mother and one of his brothers knew of and recognized the relation. His mother, in her letter of September 28, 1848, to Harriet, winds un, "Adieu, your affectionate mother. R. Christy."

One of his brothers, in his letter of April 19, 1849, addresses Harriet thus:—"Sister Harriet," Further, the witness Walker and the witness Campbell testify to admissions made by E. P. Christy and facts connected therewith so circumstantially as to leave but little question as to the honesty and accuracy of their testimony.

These various classes of proof, not to mention numerous other matters running through the testimony, such as the presentation to Harriet of a locket inscribed "E P. C. to his wife," are clearly abundant evidence, under the principles of law above laid down, to sustain the allogations of a marriage between Edwin P. Christia and Harriet. But they between Edwin P. Christy and Harriet. But then we have further the testimony of Harriet herself, who swears positively to the marriage, and her story as to who the ceremony was performed by, the place where it took place, and the witnesses who

Christy Will Case in "Cew York."

Were present coincides sub-fantially with the testimony of the witnesses Walker and Camobell.

The testimony of Harriet was objected to as incompetent; but it having been received, we must consider it, and, moreover, it was clearly competent on behalf of her sons, under the principle of the law to Mrs. Miller Null and Void

The Property Left to were present coincides sub-fantially with the testimony of Harriet was objected to as incompetent; but it having been received, we must consider it, and, moreover, it was clearly competent on behalf of her sons, under the principle of the law to Mrs. Miller Null and Void

The Property Left to prost above mentioned, requires strong evidence to controvertif, especially when there is assue born of the parties between whom the marriage is alloged to

have taken place.

In this case it is contended that there are objections which destroy the force of the evidence above referred to, and that there are facts which show that such marriage could not have taken place. These objections and facts are:

1 that in none of the lefters to Harriet does Chre y call her his wife, or style himself her husband.

band.
2 That Harriet at the time of the alleged marriage with hr sty was married to one Harrington, who

. That Barriet has stated that she was never married to Christy.

4. That although Christy abandoned Barriet many

years ago, and nived with another woman, yet Har-riet took no proceedings.

5. That Christy has since married another woman 5. That Christy has since married another woman. The urst objection is almost too trivial to notice; persons have different ways of opening and closing their letters, and vary that from time to time. Out of three letters in evidence, written by Christy to his son Byron, in none does he call him his son, and in but one does he style himself father; and the same remark is true of twenty letters written to William; yet there is no question that he was the father of those two boys.

these two boys.

With respect to the second objection, this rests upon proof or admissions and reputation, given by

John Roberts. Nathan Harrington, Joseph Cooley, Louis Cooley and Catharine Roberts.

All the evidence tends to show that Christy was an pritable and violent man, and she may have feared personal violence to be self and children at his hands, or may have feared that any action on her part would so still forther inconse Christy as to interfer with the recovered of her children by the recovered of the recovered that the recovered of the recovered that the re interfere with the prospects of her children, by rendering the return of the father's natural affections more improbable and uncertain. A child's welfare and solentude for its future welfare are always uppermost in the thoughts of a mother, and turnishes the main-spring to her actions; or, again, she may have been waiting with nations respection. have been waiting with patient resignation for Christy to tire of his new love and return to the old affect on exhibited in his letters to herse and her sons. If the had taken any proceedings, what could she have of tained? A mere support for herself, and run the chance of ruining the prospects of her chil-dren, and putting up an in-uperable oar against a recovered attor.

The forbearance of a woman and a mother, under these circumstances, she doubtless, unaware that such forbearance would have any prejudical effect

with repard to the fifth objection:—This is of a negative character; it is that, if Christy was married to diarriet he would not have married Mary, as that would involve him in the crime of digamy.

To sustain this objection, the marriage with Mary must first be shown. The evidence to sustain this is

of the same character as that to sustain the marriage with Harriet (the deate-bed scene is not now referred to); it is strong, but not stronger than that adduced on benalf of Harriet I is true, the letters to Mary are signed "Your loving husband," and he speaks of Mary in them as his wife; but their general tenu and internal evidence is not so attent as the second

steads of Mary in them as his wife; but their general tenor and internal evidence is not so strong as those to Harriet, and one of those to Harriet is addressed Mrs. E. P. Christy.

It is true he introduced Mary as his wife; so he did Harriet. I is true that in a casual and seemingly joking way he told Eliza Pratt that he and Mary had got married while they were off traveling; he also told Walker and Campbell, in a much more serious way circumstantially, that he had married Harriet.

If the evidence adduced to prove the marriage between Christy and Mary is sufficient, it is difficult to perceive why the evidence adduced to establish the marriage between him and Harriet is not also sufficient.

And as the classes of evidence to support the one

are the same as the classes to support the other, there can be no preference in favor of the last one. But from there are, as in the case of Harriet, certain matters casting suspicion on this marriage of Mary. Why, if she were married at Ithaca, did she have a marriage ceremony performed when Christy was in extremes? Was it because she anticipated trouble from Harriet? She knew all about Harriet. she married, as alleged, at Ithaca Why did she not then anticipate trouble, and guard against it?

Again, if she were Christy's wife and possessed wifely techings, why did she, while excluding Christy's

ions from their father's presence for fear of exciting him, impose on him the excitement of a marriage The presumptions spoken of in the 4th N. Y against a former marriage proved by r putation in favor of a subsequent marriage, proved by positive direct evidence, has no application to this case, for here

there is no direct evidence of the second marriage (excluding the death-bed ceremony), and the testi-mony of the minister who performed the marriage ceremony in extremis, leaves great doubt as to whether it was ever performed before, besides the acquaintance which it is claimed ripeaed into the mairiage with Mary confessedly commenced in a meretr closs intercourse. negetricious intercourse. It the death bed ceremony, (conceding it to have

It the death bed ceremony, (conceding it to have takentplace which is disputed), it can hardly be expected to have much influence on the question of the marriale with Harriet. It was performed when the man was in extremis, helpless, surrounded by Mary and her friends; when he was apparently oblivious, not only of Harrie, but or his children also. A marriage under these circumstances can afford no presumption against a previous marriage.

A few words on this marriage ceremony performed y the minister. The minister says Christy said it ad long been his wish and determination to have this marriage ceremony performed but that some-thing or other had always occurred to prevent it. Rather a singular statement for Christy to make, if, Eliza Fratt swears, he had married Mary, at

Ithaca, years before.

Taking the whole of the evidence on this point together, it is evident that there is great probability f a jury finding that Christy was married to Har-let, and, therefore, it must be assumed (as the Surrogate seems to have assumed), in considering the second and third questions, that Caristy was law-fully married to Harriet, and that William and Byron were his lawful sons and heirs-at-law. If the Surrogate had decided that there was no

marriage between Christy and Harriet, I think such decision would have been against the weight of evi-dence; at all events, that the tes mony is of such a character as to render it expedient to have a verdict in the case at bar it appears that Mr. Chris'y while laboring under a fit of insanity, lumped out of a window, striking his head on the stones below, and so severely injuring bimselv as to cause paralysis

from the neck down, and to result in death twelv days afterwards.

During the whole of this twelve days his only susenance were liquids, and he was obliged to lay on

his back in one position.

This statement naturally leads to the conclusion that his mind on the tenth day was materially im-paired and weakened, and I understand the medical testimony, although the doctors widely differ in many things, sustains the natural conclusion. The great preponderance of the medical testimony is that Mr Christy, on the ninth day, although possessing consciousness, could have had but little memory

and less reasoning faculty.

Does the evidence of what Christy actually did and said after the injuries controvers the medical

opinions? The matter testified to by these witnesses all come within the principle land down by Sir John Nicoll, They are either rational answers made to some simple questions, or they are requests for nourish-ment, or they are short remarks on his memory being suddenly aroused by the sight of some taminar person or object, or by some familiar sound. This all shows it is true, some consciousness, but not necessarily, as Dr. Rogers well expresses it, same consciousness. Nor do they show a sound disposing mind under the principles laid down by Sir John Nicoll. The testimony of the doctors who attended him, and their examination as to his southtended him, and their examination as to his saulty, is liable to the same criticism. Christy gave rational answers to questions put. What those questions were we are not informed; nor can we tell what

degree of rationality the answers involved.

Here it is proper to remark that where the condition of a decendent is such as to render it necessary. in the judgment of those in whose favor a will is to be made, to have a medical consultation and opinion as to his sanity, rull and strong proof of a disposing capacity should be required.

Thus far the evidence against Mr. Christy's having a disposing mind, very strongly preponderates. The only remaining evidence to be considered in this capacity in its better the leating and the contraction is the contraction in the contraction is the contraction in the contraction in the contraction is the contraction in the contraction in the contraction is the contraction of the contraction in the contraction is the contraction of the contraction in the contraction is the contraction of the c

connection is the testimony given by one of the ex-ecutors and the two subscribing witnesses. These winesses swear to a state of facts which, if standing alone, would, if their statements are to be received without many grains of allowance, be in one aspect of the case sufficient to establish the com-petency of the testator.

T' ey swear to a prolonged conversation and an They swear to a prolonged conversation and an amount of mental exection on the part of Christy with, in view of the other testimone, is, to say the least, extraordinary. It may well be that Caristy made, answer to questions put to him, but that he passessed sufficient reasoning faculty to himsel to originate an idea respecting the will is circumstances of this case. One of the witnesses is one of the executors, a lawyer, and the chief party pressing the probate of the will, at other is one of he subscribing witnesses, a lawyer, and attorney for one of the executors; the third is the other siber bing witnesses, as lawyer, and attorney for one of the executors; the third is the other siber bing witness. It tors; the shid i the other stb er bing witness. It will be perceived that all these witnesses have a great in terest in sustaining the win- the layman to avoid the in pulation of having witnessed a will made by an incompetent person, and the two lawyers in addition to this, the further interest in establishing the cause of their clients.

establishing the cause of their clients.

The witnesses ies lighing under the bias of this interest would naturally give to their testimony a shade and coloring in support of that bias, and this even innocently. Under the influence of this bias one of the witnerses swears that Christy he d up the will in his hands, looked at it and smiled; while it is incon-testably proven that by reason of paralysis, Christy

testably proven that by reason of paralysis, Christy was unable to move his hands.

Another of the with seep swears that Christy, in order o show how much better he was, smiled, and move his head from side to side, making a remark at the same time, waise all the testimony shows that such movement of the head if possible without practice in death, would produce great pain. If under the influence of bias, the wildlesses would innocently swear to these matters, it is not unreasonable to conclude, under the whole estimony in the case, that they have also just as innocently put in Christy's mouth language which emanated from others and ascribed to him a power or ratiocination which he did not posses.

In n y view, the evidence of these witnesses is not. In n y view, the evidence of these witnesses is not, under an the circumstances of the case, sofficient to carry the paper and question to probate without, at cast, a vertical of a jury. Under another aspect, the tes mony of these witnesses—even supposing that it correctly detais the circumstances, without any coloring or deviation from the exact racts, and is not contradicted in the sightest degree—would not, under the authorities c ted in this opinion, be suffi-

cient to carry this paper to probate.

During the whole of Christy's illues, and white
the will was in course of preparation, no allusion
is made, either by him or any person, to wife Harriei (the term wife Harriet is used for the reasons bereinafter named) or his sons, showing, as hereinafter stated, that he had not the memory of who were the proper and natural objects of his bounty required by the above-cited authorities.

Further than this, his sons were not only not invited to attend, out were excluded and this, too,

while comparative strangers, as Lowell, Snod-grass, and Morgan, were admitted to his pre-sence Judge Denis, in his opinion in the Hop-per care, says:—'I taimk, after it was seen that he was dwing from an accidental injury, it was the duty of one, standing in such a re about to him as Mr. Shaffer did to engagerer, at least, to not him is gen-Shaffer did to engeavor, at least, to put him in com munication with those who had a natural right to protect him."

Assuming (as has been frequently said we must in

this branch of the case) that Harriet was lawfully married to Christy, and that William and Byron were his legitimate sons and hous-at-law, Mary stood in such a cosition as to render it her duty to invite his sons to attend, rather than to exclude

In conclusion, considering the insanity which led to the injuries resulting in death twelve days after they accrued; also the paralysis existing during the wildle of that time: also the great weight of the medical testimony against the existence of a sound and disposing mind; also the necessity deemed to exist by the persons in whose favor the will was made for a m-dical examination as to santy; also the exclusion of the sons from the presence of their father while the will was in contemplation; also that deceased, while lying on his death-bed and contemplating making a will in view of speedy dissolution, never once referred to his wife Harriet (the term "wife Harriet" is here used because the Surrogate so assumed, and because in the fore part of this opinion it is held that that fact must be expanded in disposing of this branch of the case) or to made for a medical examination as to sanity; also of this opinion it is held that that fact must be examined in disposing of this branch of the case), or to his sens, to whom, he lying on that death-bed, must have referred if in a sound disposing mind, since in that event his memory must have passed his whole life in review, and, chastened by the hand of God, would have reflected on the injuries he had done them, and have endeavored to make some reparation, or, it still stubborn in spirit, would from his very nature have made some remark indication. from his very nature have made some remark indicave of his anger towards them. Considering all the things, the question as to the validity of this alleged will should at least be submitted to a jury. Decree of Surrogate reversed, with costs of appeal to appeal

lauts, while the events and issues directed to be tried by jury. 1-sues to be settled on nonces. Hon. Charles K Smith. Benjamin L Blankman, counsel for appellants, Harriet E. Christy. Paris G Clark, executor and counsel for respondents.

## JEFF. DAVIS.

No Indications of the Speedy Trial in Virginia of Jeff. Davis-His Wife Finds bis Health Friling and will Apply for his Parole of the Fort. Etc.

FORTRESS MONROE, May 5.-Monday next, as s well known, is set down for the opening ses-ions of the United States Court, in Norfolk and tichmond. The recent positive assertions in so many papers that Jeff, Davis would be arraigned or trial in this court, in one of the places named, show, at the present time, so far as I can learn, very little promise of fulfilment. In Nor olk, I am told, there are no indications whatever of his being tried, and though am not so positively advised regarding the Richmond Court, I know that if anything is wing done looking to this end there, it has been lone within the past four days. It is not exsecred that any information would come here fa certain character. It would not be surpri-ing to see some naval steamer, steal in upon is at any time of the day or night, and that Jeff. Davis should be carried away in her, whither and wherefore no one in the steamer would tell, and no one here could tell. As for Jeff, Davis himself, the subject of all the anxieties and surmises, he shows still the same patient waiting for results he has for mouths past. He may keep up a large amount of thinking, but if he does he does not speak out his thoughts much Meantime it is to be presumed that while the present companionship of his wife makes him more patient of prison life, it also makes him impatient to breathe and enjoy the air o treedom again. I stated yesterday that his wife proposed remaining as long as he was kept here. This morning an order came from Washington directing that a casemate be assigned her for personal use and occupancy as long as she might require it. She expressed a preference for a room in Carroll Hall, where her husband confined, and an officer very politely offered to vacate his room for her; but General Mile

could not go beyond his orders. Being on the good footing she evidently is a Washington, it is possible that she may speedily ucceed in having her preferences in the of a room gratified. Whatever she may do about this, I am told that she is determined on one thing at once, an application for parole of the fort for Mr. Davis. She finds him much weaker than he was. The weakness is most apparen in his legs, giving him a tottering and insecur-She attributes this weakness to want o sufficient exercise, and on this she will base her application. It is believed she will be successul in her application, -N. Y. Heraid,

A New Schntific Toy.—There is a successor to "Pharaoh's serpents," called the "maric photograph." It is selling in Pacis and London, two envelopes, one containing pieces of white albumenized paper, the other slips of white flot ting paper of a corresponding size. One of the former is moistened with water, and a piece of paper from the other envelope, likewise wetted is laid thereon, when a beautiful photograph is immediately developed on its albumenized surface. Photographs have of course been printed in the usual manner on the albumenized slips, and then decolorized with bromic or lodic acid or some such agent; the other pieces of paper have been soaked in hyposulphite of soda, and application of this reducing agent to the hidden photograph brings it again to view. The 'serpents" emit a poisonous tume while burning, and the danger attending their use has driven them out of the market; but the "magic photograph" is safe as well as pleasant.

The Financial Paule.

BARNED'S BANKING COMPANY LIVERPOOL. From the London Times, April 23. We believe that Messrs Harwood, Banner & Son, of Liverpool, accountants, have been en-gaged to prepare a balance sheet, and that a meeting of shareholders will be hald next week to determine upon the course to be adopted. There is, however, but little doubt from the proceedings which have been taken by some of the creditors, that the concern will be wound up. ertificates of indebtedness are, it is said, to be furnished to the depositors, so that they may negotiate them with other banks.

MESSES, SMITH, KNIGHT & COMPANY, LONDON.

From the London Times (City Article), April 23. The report of Smith, Knight & Co. (limited) the company whose embarrassments last autumn initiated the break-up of the finance \*peculation to be presented on the 30th instant, states that the directors, in concurrence with the committee appointed by the creditors, have steadily directed their efforts towards the completion of the existing contracts, most of which are expected to be finished in the ensuling autumn, thle at the same time they have strictly avoided

entering into any new business.
Under an arrangement with the Sardinian Railway they are to receive £165,000 in six per cent, mortgage bonds, redeemable at an early period, which bonds will be offered to the cre dators pro rato in reduction of their claims. The directors conclude by orging the shareholders to respond to the calls which it has been found absolutely essential to make. The direct hability of the company, including the sum of £271,659 of paid up capital, is now £791,625, and the assets nominally show a similar total.

FINANCE AND TRADE IN FRANKFORT.

From the London Times (City Article), April 23. The advices from Frankfort describe continued teverishness on the Bourse. Every rumor sends Austrian funds violently up or down, and the fluctuations of last week were five per cent. The undemonstritive course of the Emperor Napoleon evidently causes great apprehension; but still it is said the general opinion is that ultimately there will be no war, and that a comromise will be arrived at. Capitalists are, for the most part, buyers, and take up whatever the speculators offer for sale. Hence money not only continues abundant at the stock exchange, but prices for most stocks are higher for eash than for time. American bonds are again in good request, and their firmness is increased by the knowledge that there is a large speculative

account open with adverse operators.

Meanwhile, however, the political anxiety begins to tell upon trade. The Leipsic fair has been the worst on record. Letters from Crefeld and Elberfeld give a lamentable picture of the state of the manufactures. Credits will be with orawn and wills closed if the present uncertainty continues. "War," it is observed, "would at once cut off all the resources of Pruss'a, as she draws her taxes particularly from industry," The corn markets remain dult; but outs are slightly higher. Forged notes of twenty thalers of the Leipsic Bank have been detected.

Affairs in Japan. THE TYCOON'S AMERICAN IRON-CLAD SAID TO BE A PAILURE-HER JAPANESE PURCHASER COMMITS

From the London Times, April 25. Letters from Yokohama (Japan) of the 25th of February state that an iron-plated corvette purchased in America for the Tycoon had arrived there. He requested Rear Admiral Roze, who commands the French squadron on the station, to have it fitted out for him. The Admiral commissioned a Lieutenant of the frigate Guerriere to do so. The Lieutenant took with him a quartermaster and some French sea-Japanese, and the corvette will shortly be rendy for sea. The French authorities in Japan consider this a proof of the confidence which the Tycoon reposes in them. The Tycoon had further resolved to melt down

all the old coin and to issue new. Yokohama is to be commenced, on the arrival of French engineers and overseers, who were expected on the 15th of last month. The Tycoon had likewise determined to build a number of lighthouses. Foreign ships are to pay dues for their maintenance, which are to be regulated by an agreement with the consuls.

Further accounts from Yeddo, of the 5th of March, state that the corvette purchased in America was found, on examination, to be very defective, and too have cost too muca. panese engineer who purchased her had com-

THE FRENCH TURF.

Paris (April 22) Correspondence of the London Star, The steenlechase at La Marche came off ves erday. The attendance was not only numerous. but more select than usual. The weather was magnificent, although the heat was somewhat oppressive. The sport was very good. The vents of the day were the two matches in which the Duke of Hamilton made his debut as gentleman rider, although the fact of his Grace weighing fourteen stone and a half is not particularly propitious for earning success that occupation, and was probably the cause of his defeat vesterday.

He showed the true spirit of a Douglas, however. In the first race alone he got three falls, to say nothing of a hip bath; but rode on all the same. In the second he could have won had he chosen, inasmuch as Count d'Evry had conside rable difficulty in making his horse clear the river. The duke cantered on evidently for the pleasure of enjoying that most enjoyable of all sensations, a run. The duke rode the first match against Prince Murat, the latter winning easily with "Fille de l'Air II." In the second match his grace rode "Newry," which was beaten by "Mastrillo," ridden by Count d'Evry. The Emperor was not present.

THE SHAH OF PERSIA OUT SHOOTING.

The official journal of Teheran gives the folowing account of a shoeting party in which the Shah had taken part:—The royal personage who casts on the earth the shadow of God, has passed his time very agreeably in the chase at Diadiroune. With the aid of God he killed thirty-two head of game, and deigned to bring down a number of partridges, moorhens, and pheasants. The Grand Sypachsadar (Minister of War), who accompanied the great Sovereign of Iran, obtained a remarkable distinction, for is Majesty, who dispenses his grace and generosity so unsparingly, deizned to present him with a pariridge with his own hand.

The Ex-Rebel Privateer CLAIM OF THE UNITED STATES FOR THE "TALLA-HASSEE.

Admiralty Court, London, April 24, before the Right Hon, Dr. Lushington. THE "CAMELEON," OTHERWISE THE "TALLAHASSEE,"

This was a suit instituted on behalf of the overnment of the United States of America to am possession of the vessel Cameleon, other vise Tallahassee. It will be remembered that the *Iallahassee* was one of the Confederate cruisers, and in that capacity succeeded in capturing and destroying vessels belonging to American subjects.

The vessel in question arrived at Liverpool in the spring of last year, and was arrested at the instance of the United States Consul at that port. The alleged owner appeared in the suit, but failed to file an answer, although the Court had issued an order to that effect, and given the defendant considerable time within which to

comply with the order.
The Admiralty Advocate (Mr. E. C. Clarkson with him) now moved the Court, with the con-sent of the defendant, to decree possession of

FURTHER FROM EUROPE. | the vessel to the Government of the United S ates, and to condemn the defendant in costs, which, by agreement, was to be limited to the Marshal's fees.

Decree accordingly.

THE VESSEL SUBBENDERED. The steamship China, at Halifax, reports:be United States Consul at Liverpool on the loth took formal possession of the ex-Rescruser, the Ta ahassee, in the name of the American Government, on the terms of the decision of the Court of Admiralty ,

[Continued on the Eighth Page.]

### LEGAL INTELLIGENCE.

Court of Quarter Sessions-Allison, P. J. tenry Gladding was charged with carrying con-cealed weapons. The witnesses for the prosecution stated that they saw him raise a "back-jack" with the intention of striking George Reynolds at the fire, Penn and Almond streets, on the 17th of

Karen.
Witnesses for the defendant testified that it was not a "black-jack" that he had, but a hose-spanner Excellent good character was shown. The jury rendered a verdict of notiguilty.
George Reynolds was charged with an assault upon Henry Gadding. Gladeing test-fied that at the fire on Penn and Almond streets, March 17th, a

the fire on Fenn and Almond streets, March 17th, a row occurred between the Ningara and Frank in Hose Companies about a fire-plug, and Reynolds raised a horn to strike aim, out was prevented by a friend. The jury rendered a verdict of not guilty. John Riser was charred with assault and by tery upon Auta Rosen. The son of Mrs. Rosen was whipling the son of Kiser, when the defendant ran out with a whip and licked young Rosen, and then jumped into a wagon. Mrs. Rosen went out in search of him and tound him. After a few words he struck her with a whip. She took the whip from him, and in the scuffle she feel, when he took advantage and struck her on the arm with a brick.

She jumped up, flogged him with the whip.

& She jumped up, florged him with the whip, bucked him over with a brick and routing him. drove him over with a brick, and routing him, drove him to a glass house; she there overtook him whipped him soundly, causing him to cry out lustify, "Quit, 'nough, shtep, don't kill a poor little Doutquander!" Witness for defendant testified that she struck the first blow. Not suilty.

Mr. George Driver was charged with furious driving and running over a lady, Mary E. Knight, injuring her restorms.

ing her seriously. It was about 6 o'clock one even-ing last November, Mrs. Wood and Mary E. Knight were crossing Sixin street near Vine, when a waxon came dashing up the street, as a witness testified at the rate of nine miles per hour, knocking this lady insensible and running over her. The jury rendered a verdict of guilty.

District Court No. 2 -Judge Stroud. Joseph Detw ler vs the Philadelphia, Wilmington,
and Baltimore Rai road Company. -The was au
action to recover damages for the loss of a favorite pointer dog, upon which plaintiff paid freight at and trem Philade phia to Moreton Station, on the Delaware Junction Railroad when on a shooting expedition in October, 1865. The dog was lost or stolen somewhere on the line of the Junction railroad. The suit was quite a novel one, and elicited from coursel on both sides a considerable degree of pleasantry, historical information. historical information, poetry, and law. The defense embraced among other points, 1st, That the dog was lost through plaintiff's carelessness in having his collar too loose, so that he slipped through it, and escaped. 2d. That as the testimony showed that the dog was not lost on the line or defendant's road, they were not reaconsible. Several sportsmen were examined as to the value of ganning dogs. The case occupied the attention of the Cour up to the hour of adjournment. Verdiet for plaintiff for Si75. Mitcheson for plaintiff; Brewster for defendent.

### THE JUMEL WILL CASE.

Fupreme Court New York—May 7. Before Just ce Barnard—Nelson Chase and others agt. J. Howard Smi h and others. This case was the first on the calendar of the Supreme Circuit, Part 1, this morning, and was, owing to the pressure of Oyer and Forminer business, transferred by Mr Justice Ingranam to the head of the calendar, Part II. Meanwhile a motion was made at Chambers to postnone the case on the ground of the sheaper of strong the case on the ground of the sheaper of strong the case on the ground of the sheaper pone the case on the ground of the absence of an important witness, a Nrs Hall, from the State, for the purpose of taking her testimony and obtaining other evidence

This was resisted on the ground that the motion was made merely for delay, and that the sole purpose of taking Mrs. Hail's testimony was to revive old scandals about Mrs. Jeinel and to make out that the plaintiffs were not her heirs; that the old lady's statements would not help the defendant's case; and that she was being kent out of the State for the mere purpose of making this motion. After the reading of the plaintiffs' affidavits, the Court adjourned the further hearing of the motion to to-day at I P. M. DIVORCE OF A WELL-KNOWN WRITER.

Special Term-Before Justice Carke -- Rosa lie O Durand vs. Fitz Hugh Ludlow. Among the divorces granted during the last term was one against the above-named defendant, a well-known literary man, and contributor to the magazines. He was married at Waterville, Oneida county June 15, 1859 and is charged by the plaintiff with adultery with a Mrs. Ives, both in this city and in the West. The case was commenced some time ago, but was de ayed through the necessity of issuing a commission to the West. The case is now concluded by the decree of the Supreme Court, in the plaintiff's favor Cornelius A. Runk, e, defendant's attorney.—New

A woman born without arms is giving ex hib tions in writing with her feet in Georgia. -Fifty thousand Fenian flags have been manufactured in Albany,

-Belle Boyd has left her husband in London on account of his dissipation. -It is said the prettiest girls in Salt Lake City usually marry Young.

—Carlyle has declined the degree of Doctor of Laws from the University of Edinburgh. -The colored Methodists of Charleston, South Carolina, have purchased the Second Baptist church in that city for \$20,000 in gold.

-Ada Isaacs Menken has purchased an ele gant mansion in the neighborhood of Central Park, and styles it "Bleak House." -All the sailmakers in the Gosport (Va.)

Navy Yard have been discharged. Cause—want of funds to carry on the business. -The Parisian proprietor of L'Africaine is aid to have realized \$215,000 from its per-

-Anthony Trollope, who is a travelling in spector for the Post Office, writes the greater part of his novels while traveiling by rallway.

-Labor is said to be worth in Mexico from eight to fifteen dollars a day. Out of a week the contractor can hope to get three days of good work. Flour is worth forty-fie dollars a barrel.

-A London correspondent says crinoline has cone out of the fashionable world all at once, like a melting snow, or a vanishing rambow. Only the servants and very common people now wear the wonderful expansions.

-As an illustration of the hard times in Richmond, the Examiner says one can easily put a five cent loaf of the bakers' in each cheek, a ten cent loaf in the middle, and whistle "Yankee Doodle" with surprising clearness. -A marriage recently took place in South

Carolina, wherein the bridegroom was 88, the

bride 55, and the parson 85. It was a runaway match, the children of the blushing damsel -A noted caterer i n Baltimore says of a festi-

val he is about preparing: - "All of the delica-cies of the markets will be served by polite and careful waiters, prepared by experienced cooks. What cannibals they must have in Baltimore! -The widow of Joseph Smith is still alive at Nauvoo, Ill., and is represented as stubbornly taciturn and a devout believer in the Mormon

aith. She is now sixty-two years of age, and -The Cincinnati Commercial says:-"Exchange was in larger request, and the sup-ply so much reduced that shipments of legal tenders were made to a liberal extent. The money market was kept fairly active, though it was not as large as it has been for several days past. Rates of interest range about as they

have, and a large part of the applications for loans is on call, for temporary uses."

## THIRD EDITION

# THE NATIONAL CAPITAL

Special Despatches to The Evening Telegraph.

WASHINGTON, May 8. Cash in Hand.

On May 1, there was in the various public depositaries \$24,223,730.39, for which there are Government securities, held by General Spinner.

amounting to \$36,114,500. Persona!

The Count de Lasteyrie of Paris, a member of the French Institute, and until the accession of Louis Napoleon a prominent representative in the French Assemblies, arrived in town yesterday. The Count is a lineal descendant of the

Marquis de Lafayette. Brevet Colonel B. E. Johnson, V. R. C., and Colonel John Mansfield have been ordered to report to General Howard for duty in the

Freedmen's Bureau.

A Financial Flurry. The failure of the Merchants' National Bank has caused a general feeling of disentisfaction among depositors in other institutions, and yes terday quite a run was made on some others, and a large amount of deposits have been removed to Jay Cooke's, the First National, and to the United States Treasury. There are no other suspensions, however, and it is announced by Maury & Co. that they will resume to-

### Virginia Freedmen.

The Inspector-General of the Freedment Bureau in Virginia has just reported to the Assistant Commissioner at Richmond the result of a thorough investigation of the affairs of the freedmen in the State of which he has just completed an inspection; his report on the whole is comparatively favorable. He represents the various colored schools generally well attended, and the prejudice existing against the freedmen slowly but steadily dimmishing. The sanitary condition of the freedmen has so far improved throughout the State that all Bureau hospital: have been abolished, the employers, in compliance with the terms of their labor contracts, furnishing the requisite medical attendance. The demand for labor greatly exceeds the sup. ply in all portions of the State. The wages of the male freedmen average about \$12 per month, including food, quarters, and medical attend-

The Merchants' National Bank.

The doors of the Merchants' National Bank remain open, and the officers remain there, making promises of future redemption, but with no prospect of being able to fulfil them. It appears that there was on deposit from the Interior Department on account of Indian funds, \$32,937; Post Office Department, dead letter, fraud, waste paper fund, and disbursing clerk, \$9000; Treasury Department, \$5000; and other Paymasters and Quartermasters, \$640,163; total, \$687,000. Gen. Spinner holds above the amount necessary for the redemption of the notes of the bank about \$140,000, leaving a loss for the Govornment of \$547,000, without having recourse to stockholders, or counting upon the probable non-return of a large portion of the notes of the bank, or the bank recovering or having anything from the general assets of the concern. The official inquiry now going on will soon demonstrate the amount of the private deposits, their liabilities and assets. Informa tion from Baltimore indicates that nothing of any account will be recovered from Bayne, or Bayne & Co., of Baltimore.

## FROM BALTIMORE TO-DAY.

Horrible Butchery-The New Funding Scheme-The Trouble in the Union

Party, Etc. Special Despatch to The Evening Telegraph.

Baltimore, May 8 .- In the western part of the city last evening, James Gibbons murdered a young German, named Henry Misnering, by running him through the body with a butcher knite. They were both butchers, and had a previous quarrel. Gibbons was arrested and

sent to jail. He confesses the murder. The new consolidated five per cent, funding scheme meets with universal approbation here and throughout Maryland.

The trouble in the Union party here causes some excitement, but there is no doubt of the unconditional Unionists triumphing, and the Conservatives, or Johnsonite faction, uniting

NEW YORK, May 8 .- The Health Officers' report shows three new cases and three deaths. from cholera since the last return. Sixty-five convalescents have been transferred from the hospital ship to the Saratoga. There are now only forty-seven patients in the hospital. The total number of deaths from cholera has been

## From California.

S an Francisco, May 5.—The steamship Sierra Nevada has arrived from Portland with \$6700 in treasure. Five hundred half chests of the finest Oolong tea were sold yesterday, at 57 cents per pound, on thirty days credit. Arrived, ship California, Captain Barber, from Boston, Mining stocks are dull and drooping.

## Ship News.

NEW YORK, May 8 .- Arrived, steamer Palmyra, Liverpool April 26, and Herman Livingston, Savannah May 4.

## The Steamer "Aries."

Boston, May 8 .- The steamer Aries has arrived from Philadelphia.

### Marine Intelligence. New York, May 8 .- Arrived, steamer Sarapossa, from Charleston.

Markets by Telegraph. New York, May 8—Cotton is quet at 34@35c. Flour has advanced 10@20 cents; sales of 10.500 bols. of State at \$7.60@9.75; Ohio, \$9.80@13.25; Western, \$7.65@9.65; Southern, \$10.40@16.75; Canada has advanced 15@25c; sales at \$8.80@18.20. Wheat is 2@36. Detter; sales of 60.000 bush, Milwaukie Club at \$2.05. Corn declining; sales unimportant. Beef steady; sales or 1000 barrels, at \$30, Lard firm at 184@23c. Whisky dull,