be any, as shown, that may possibly be considered as reasonable, and not be disturbed. But as the affair stands now on the rel. ment alone, without any explanation, it becomes my duty to order the administrator to file his accounts. The Surrogate having authority to award payments of debts, legacies and distributive shares, and the Court, acting according to such rules and principles as prevail in equity, the validity of the rebuttal may be considered here, without turning the petitioner over to another tribunal. After the accounts shall be filed, and the dealings between the parties more definitely shown, I shall be better able to judge what effect to give to this release if set up in bar against a distribution of the estate. I intend to say no more at present than that it is not sufficient to exonerate the administrator from the duty of rendering an account of his trust according to the requisitions of the statute.

SUNDAY LIQUOR DEALERS.

DECISION OF RECORDER SMITH.

Yesterday morning the Recorder rendered his decision in this case, at his private office. He held that the prisoner was entitled to his discharge from custody, on the ground that the commitment was defective, as by the express provision of one section of the Excise Law it was made imperative that the accused should appear before a committing magistrate before an indictment could be found by the Grand Jury, and the section had not been complied with. Mr. Paige was present with his counsel when the Recorder commenced to read his decision, but the District-Attorney did not arrive before he had read for some time, as the former was engaged in another *habeas corpus* case before Judge Peabody. The following is the decision *in extenso*:

The People agt. Daniel S. Page.

On the 4th inst., application was made to me for a writ of habeas corpus and certiorari. By the return to the writ of habeas corpus, it appeared that the defendant was in custody, in default of bail in the sum of $200, upon a commitment issued by Justice Connolly, which commitment was predicated upon an indictment for an alleged misdemeanor, the charge being for selling liquor on Sunday. On the return to the certiorari, it appeared that the indictment was filed on the 11th of August. The indictment was returned as the cause of the commitment. It does not allege that the defendant was licensed to sell, as an inn, tavern or hotel keeper.

The traverse of the defendant to the return on the writ of *certiorari* is as follows: "The defendant, by his attorney "traverses and denies the return and the sufficiency in law "thereof, and further denies that the indictment is sufficient "cause for his detention and imprisonment, and denies that "the indictment is in the custody of the District Attorney by "the rules of the Court of General Sessions. And the de"fendant further alleges that the indictment is void on its "face in this, that it does not charge or describe against the "defendant any offense; and the defendant further alleges "that the indictment has been surreptitiously obtained "and against the provisions of the act, entitled "'An act to suppress intemperance, and to reg"'late the sale of intoxicating liquors,' passed "April 16, 1857. And the defendant further alleges that no complaint was made against him before any magistrate, and that he was not arrested and brought before any magistrate, charged with the violation of any of the sections of the above-said act, as required by the 16th section thereof. And the defendant further alleges that he has had no opportunity to elect to be tried before a magistrate, as provided by the 16th section of said act; and defendant further alleges that, in violation of the provisions of said act, he has been illegally arrested and deprived of his liberty, without notice, and without opportunity to give the bail of $100, as provided by the 16th section of said act, but has been required to give bail in the sum of $200, contrary to the provisions of said act."

To this traverse the District Attorney demurred, on the ground that there were no facts stated therein which would warrant the discharge of the defendant. The legal effect of this demurrer is to admit the allegations of fact as set forth in said demurrer.

The facts, therefore, upon which I am to pass in this case, are as follows: On the 11th day of August, 1857, an indictment was filed in the Court of General Sessions, charging the defendant with a misdemeanor in selling liquor on Sunday, the 9th of August, contrary to the statutes; that such indictment was found without a preliminary complaint before a magistrate, and the arrest of the defendant as provided in sections 16 of the act, that the defendant was held to bail in the sum of $200; that he was in custody by virtue of a commitment predicated upon the indictment in default of giving bail in that amount. It was also conceded by the respective counsel that the defendant had not obtained a license to sell liquor as an inn, tavern, or hotel keeper.

The District-Attorney moved to discharge the writ on the ground that the indictment was a record imparting verity upon its face, and that it could not be inquired into or impeached collaterally.

It is not necessary in order to secure to the defendant his rights under the writ of habeas corpus or certiorari, that this proposition should be touched upon. It is made the duty of the officer before whom a party is brought upon the writ, to examine into the facts contained in the return, and into the cause for the confinement or restraint of the party; and upon such examination it is his duty to remand, or to discharge, or bail, in his discretion, if the offence be bailable. He may, in his discretion, discharge the defendant on nominal bail, or he may discharge the defendant on his own recognizance. The object of the hearing is, to place the officer in possession of the facts, that he may judiciously exercise his discretion. Therefore, although the indictment cannot be discharged by the Judge at Chambers, still, if upon hearing, he comes to the conclusion that the allegations in the indictment do not constitute an offence in law, it is his duty to exercise his discretion upon the question of bail to its fullest extent.

The questions at issue in this case are important ones. Many indictments which were found at the last term of the Court under similar circumstances are still pending in the Court of General Sessions, the legal questions upon which are the same as are involved in this.

This indictment is found under the twenty-first section of the act, entitled "An Act to Suppress Intemperance and to Regulate the Sale of Intoxicating Liquors," passed April 16, 1857. This section is as follows:

"No inn, tavern or hotel-keepers, or persons licensed to sell liquors, shall sell or give away any intoxicating liquors or wines on Sunday, or upon any day upon which a general or special election or town-meeting shall be held, and within one-quarter of a mile from the place where such general or special election or town meetings shall be held in any of the villages, cities or towns of this State; to any person whatever as a beverage. In case the election or town-meeting shall not be general throughout the State, the provisions of this Section in such case shall only apply to the city, county, village or towns in which such election or town-meeting shall be held. Whoever shall offend against the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction shall be imprisoned in a County Jail, Workhouse or Penitentiary not more than twenty days.

It is a principle well settled that all penal statutes must be construed strictly—that nothing can be taken by implication against the party to be affected by them. Under the denomination of penal statutes within this rule, are included "statutes "which give a summary remedy, those made in derogation of "the common law; statutes which impose restrictions upon "trade or common occupations, or which levy an Excise tax on "the citizen." At common law it is not an offense to sell liquor; "and in the construction of statutes made in derogation of common right care should be taken not to extend "them beyond the express words of their clear import." It was conceded before me on the argument that the defendant was not the keeper of an inn, tavern, or hotel, or licensed to sell liquors. The 21st section applies to such persons and such persons only. Courts have not the power to correct defective legislation. Their duty is to administer the law as they find it—and where it is ambiguous to interpret it by certain recognized rules and principles.

In order to make the 21st section applicable to the indictment it would be necessary for the Court to add to it the words "Or any other person." As the section now stands, those only who are licensed to sell liquor are guilty of misdemeanor for selling on Sunday. This may not have been the intention of the Legislature, but it is the letter of the law. In remedial statutes Courts may give a liberal and extended meaning in order to carry the intention of the Legislature into effect; but the reverse is the rule in the construction of penal statutes. The act under consideration is highly penal, and it points out specifically certain penalties for different offenses committed under it. Section 13 declares that "whoever shall sell any strong "or spirituous liquors or wines in quantities less than five gal"lons at a time without having a license therefor granted as "herein provided, shall forfeit $50 for each offense."

It cannot be contended that for a violation of the that section a party can be legally indicted. This section applies to all who are not licensed who sell in quantities less than five gallons, and supersedes all other statutes upon that question.

The 14th section prescribes the penalty for selling without an inn, tavern or hotelkeeper's license, and declares that: "Whoever shall sell any strong or spirituous liquors or "wines, to be drank in his house or shop, or any out-house, "yard or garden appertaining thereto, or shall suffer or permit "any such liquors or wines sold by him, or under his direction "or authority, to be drank in his house or shop, or in any out-"house, yard or garden therete belonging without having obtained a license therefor as an inn, tavern or hotel-keeper, "shall forfeit $50 for each offense."

Under this section, also, there is a specific penalty; but the offense is not declared a misdemeanor, and therefore, is not indictable. In the 15th section the language is different, and the violation of part of that section is expressly declared to be a misdemeanor, and the penalty is prescribed.

The 16th section points out the manner in which offenses under the act shall be brought to justice. This section is plain and specific in its directions. It makes it the duty of every Sheriff, Under Sheriff, Deputy Sheriff, Constable, Marshal, Policeman, or officer of police, to arrest all persons actually engaged in violation of the provisions of the act, and forthwith to carry such persons before any magistrate, to be dealt with according to the provisions of the act. It points out the duty of the magistrate. It gives the party charged the privilege of being tried before the magistrate, or giving bail to appear at the Sessions of Over and Terminer. It fixes the amount of bail at $100. It directs the magistrate in all cases to entertain the complaint, and to examine the affidavits, &c., taken before him, to the District-Attorney, and the District-Attorney is directed to prosecute the offender.

The 29th section makes it the duty of Courts to instruct Grand Jurors to inquire into all offenses against the provisions of the act, and to present all offenders under it. By the act of 1855 the Special Sessions of the City and County of New-York have exclusive jurisdiction in all cases of misdemeanors, unless the defendant elects to be tried by the General Sessions. That act is still in force. The fact that the Grand Jury are directed to present all offenders under the Excise law does not conflict in any manner with the act of 1855, above referred to. It means no more nor less than that they are to entertain all complaints legally presented, and present all offenders legally charged. I have in all cases since the passage of the act of 1855, called the attention of the Grand Juries to its provisions, and instructed them that they had no right to entertain complaints in cases of misdemeanors unless preliminary proceedings had been taken before a magistrate. I so instructed them at the time when this indictment was found. I so decided in the case of the People vs. Edgar and others; and had a motion in this case been before me to quash this indictment when the same was presented, I should have granted it upon the ground that it was illegally formed. The defendant having been denied a substantial right guaranteed to him by the statute.

It was suggested on the hearing that the violation of a penal statute was made a misdemeanor—that is so, in all cases where the statute does not prescribe the penalty of the offence, but in these cases only. Under the act in question the penalty is prescribed specifically in all cases; therefore this general provision of the statute does not apply.

The only penalty for selling liquor without a license to be drank on the premises, &c., either on Sunday or on a week day, is prescribed in the thirteenth section. That section does not declare the sale to be a misdemeanor, therefore it is not an indictable offense, though the penalty is severe. The twenty-first section expressly declares it to be a misdemeanor to sell in violation of that section. The remedy to punish the party violating section 14, is by an action for the penalty brought by the Board of Commissioners of Excise.

Entertaining these views as to the act under consideration, I should consider it my duty to discharge the defendant upon his own recognizance, if the commitment was regular. But the commitment is illegal. By the commitment it appears that the defendant is in custody in default of bail in the sum of $200. The statute fixes the bail at $100.

I therefore order that the defendant be discharged from custody by reason of the irregularity of the commitment. If upon the collateral bearing the question as to the validity of the indictment could be entertained, I should not hesitate to discharge the defendant upon the ground that the offence charged was not indictable under the act.

Mr. Hall—Then your Honor discharges on the sole ground that the commitment is defective.

Recorder—That is the sole ground on which I order a discharge. Although for the purpose of properly presenting my views in regard to this case I have reviewed the law. The views expressed in this decision will be found in accordance with the instructions I have always given to the Grand Jury in reference to the Liquor law.

Mr. Hall then gave Mr. Taylor notice of his intention to carry all the papers on a writ of *certiorari* before the General Term of the Supreme Court, so that the case might be argued next week.

An application was subsequently made to Judge Peabody for a *certiorari* to remove the case into the General Term of the Supreme Court, which was granted.

COURT OF GENERAL SESSIONS—SEP. 10.—Before Recorder SMITH.

Before Judge RUSSELL.

Immediately after the organization of the Court this morning, Patrick Nally was placed upon trial, indicted for arson in the first degree. Mr. Nally is an elderly looking man, about 50 years of age, and the indictment charged him with committing the aforesaid crime on the 17th of July last, upon the premises located at No. 269 West Sixteenth street, and owned by Mrs. Smith. The dwelling in question was occupied partly by the accused with his family, and partly by other tenants. It was fired on the night of the 17th of July, between 11 and 12 o'clock, when several persons were asleep in different parts of the building. These facts are sufficient to constitute the crime of arson. There was no dispute between the prosecution and counsel for the prisoner that the alleged crime had been committed, or that Mr. Nally had actually perpetrated the deed for which he is arraigned, though the District-Attorney called several witnesses in affirmation of these facts. The only question on which issue was really joined was, whether, admitting the aforesaid facts, the accused was legally responsible for the crime alleged against him.

To this point the defense called several witnesses intimately acquainted with the accused for several years, who testified, with remarkable unanimity, that the prisoner had been for years in a condition closely approximating a state of utter dementia, produced partly by natural causes and partly by the indulgence in habitual drunkenness. It was in evidence that the defendant had scarcely sufficient memory to retain for the brightest period the simplest facts, and that he had not understanding enough to perform any duty that required any thought whatever. It was further shown that he had announced beforehand his intention to commit this crime, and immediately after committing it he confessed to several persons that he had done the act. It was further shown that he had lived child-like in the New-York Hospital, and the proof was absolute and positive, as evinced in Nally's daily life, that he had not sense enough to appreciate the ordinary distinctions between right and wrong.

Upon this state of facts being presented, the District-Attorney addressed the Court briefly, saying he thought it improper to attempt to convict this man with the evidence before them, and therefore asked that he be otherwise disposed, on the ground of insanity in which suggestion the Court very promptly concurred and so addressed the Jury. The Jury thereupon conferred a few moments, and returned a verdict of acquittal on the ground of insanity. The accused deposed that he was 50 years of age, was born in Ireland, lives in Sixteenth street, is a laborer by occupation, and was drunk when he did the deed or he could not have done it. The fire was promptly put out and little serious damage was done. Nally is retained in custody, and will probably be sent to the Lunatic Asylum to-morrow or next day.

Adjourned to 11 o'clock to-morrow morning.

COURT OF SPECIAL SESSIONS—SEPT 10.—Before Justices OSBORN and CONNOLLY.

Bridget Fulton was the first subject this morning, arraigned for stealing on the 7th of September, bank notes and silver coin to the amount of $4 50 from Margaret Galevac, No. 4 Houston street. The evidence was insufficient to commit Bridget, and she was thereupon acquitted.

Catharine Morris was arraigned for stealing, on the 8th of September, a bead bracelet, valued at $2, from Ernest Boudlan, No. 91 Leonard street. Accused was caught taking the bracelet. Convicted, and sent to the Penitentiary for four months.

Patrick Durnay was charged with assault and battery, on the 12th of July, on his wife Margaret, No. 222 West Twenty-sixth street. Margaret testified that she had to support Patrick, and that he only assaulted her for her generosity, whereupon the Court convicted him, and sent him to the Penitentiary for 6 months. When about to be taken out by the officer, Durnay hung back quite perversely, saying he wanted to remain "to take care of his property;" to which Judge Osborn replied, "Your wife is better able to take care of it than you are. Take "him off."

James Ryan was charged with stealing, on the 7th of September, a coat, value at $10, from Meyer Dellenheffer, No. 604 Broadway. Defendant was nabbed in the act of larceny. Found guilty, and sent to the Penitentiary for 4 months.

Alice Hays, "a fashionable lady," was charged with stealing, on the 8th of September, bank notes, to the amount of $6, from the pocket of Richard Kreenan, City Prison. Richard had taken "lodgings" in the "castle" of Alice "once upon a time," for which he had compensated her in the sum of $2. But Alice not satisfied with the stipulated remuneration, stealthily approached the pants of Richard, and abstracted the remaining $6 therefrom. The Court expressed itself convinced of the felonious character of Alice, and sent her to the Penitentiary for six months. She was rather handsomely attired, kept her face carefully veiled while on trial, and, upon the rendition of the sentence, "sauntered" away from the bar and out of the door under the charge of the officer, visibly smiling through her veil, as if passing to an evening party.

George Maloy, arraigned for assault and battery, on the 29th of July, on Michael Brady, No. 525 Twelfth street, was discharged at the request of complainant.

Michael Cattoll was charged with assault and battery on the 6th of September, on his wife Ann. The complaint charged the accused with both beating and kicking his wife. Convicted and sent to the Penitentiary for three months.

Barney Slavin was arraigned for assault and battery, on the 6th of September, on Mary Brady, No. 56 Jackson street. Judge Osborn—What have you got to say to this, Slavin? To which defendant replied, "I only slapped him in the boye." Found guilty, and sent to the Penitentiary for three months.

Peter D. Cosgrove, charged with stealing, on the 6th of September, a handcart valued at $2, from Valentine Hobbman, No. 278 West Thirty-ninth street, was sent to the Penitentiary for two months.

Almira Sober, charged with stealing, on the 6th of September, a tidy and a pair of shears worth $1 50, from Wm. Clark, One hundred-and twenty seventh street, was sent to the Penitentiary for three months.

Eliza A. A. French, arraigned for stealing, on the 7th of Sept., two bottles of perfumery, valued at $2, on the complaint of Wm. Meyer, No. 8 North Moore street, was discharged at the request of complainant.

Theresa Anthush was charged with stealing, on the 8th of Sept., a dress and pair of gaiters, worth $7, from Catharine Huston, No. 165 Willett street. The articles were found on the person of the accused. Found guilty, and sent to the Penitentiary for 2 months.

Henry Meyer, arraigned for assault and battery, on the 7th of Sept., on Otto Jones, was discharged at the request of complainant.

Mary Haslan and Catharine McGuire were arraigned on two complaints. The first charged the defendants with stealing on the 7th of September, from Morris Roberts, No. 131 Eighth avenue, three remnants of fancy silk, valued at $13; the second charged them with stealing on the same day three pieces of fancy bonnet ribbons, valued at $5, from Sarah Emberson, No. 255 Eighth avenue. The defendants were convicted on both complaints. On the last sentence was suspended, and on the first they were sent to the Penitentiary for three months each.

Michael Sweeny and John Hardican, arraigned for stealing, on the 9th of September, four loaves of bread, worth 12 cents, from John McMann, No. 39 Mott street, were discharged at request of complainant.

James Reynolds, arrigned for stealing, on the 8th of September, silver coin amounting to $1 50, from Henry Sipe, No. 132 Franklin street, was sent to the Penitentiary for six months.

Eden Rosebury was charged with stealing, on the 9th of September, ten pounds of cotton, valued at $2, from Christopher Roberts, No. 97 Water street. Found guilty and sentence suspended.

The case of Jacob Ephraim, charged with assault and battery on Harris Rosenthal, was settled.

Herman Diedrich Meyers, arraigned for assault and battery, on the 8th of September, on Charles McCarty, No. 21 Cherry street, was acquitted.

Philip Rodman, arraigned for assault and battery, on the 29th of August, on Eve Tam, No. 56 Macdougal street, was fined $2.

John F. Murphy and Patrick O'Neil were arraigned for assault and battery, on the 5th of September, on Charles H. Farrell, Reporter for *The N. Y. Express*, No. 90 East Broadway. The assault of the defendant was an act of pure ruffianism, richly meriting severe punishment. They repeatedly offered to compromise the matter with Mr. Farrell, which proffers the latter sternly rejected. Finally, the Court decided to commit the accused, and fined O'Neil, as the most culpable assailant, $25, and Murphy $15.

Mary Sullivan was charged with assault and battery, on the 8th of September, on her lately wedded lord, Cornelius Shea, No. 5 Mission place. This was a legitimate attic collision, and all the parties to the encounter, witnesses included, exhibited in full maturity the controlling peculiarities of the Hibernian spirit. Cornelius testified that Mary had taken the end of his nose painfully between her teeth, and Mary laughed through amiable blushes at such an improbable charge from one who claimed to have so lately vowed to her eternal fidelity. The complainant claimed to have been married to defendant last Sunday night, but to this "soft impeachment" the fair accused demurred, saying she was unconscious of having been the subject of any such nuptial ritual. But as an offset to the allegation of biting the deponent's nose (this feature of deponent looked rosy with resent inflammation), the accused charged back upon the complainant the accusation that he had chewed her finger into his mouth. Judge Osborn—That must have been the commencement of the honey moon. Timothy—Thay (Celtic) was called by the complainant to testify, and in reply to deponent's counsel what witness knew about the affray, he replied, "I was only there the day before." You can go, responded the counsel, amid particular merriment. Mishter A. Nell was then called upon the stand. This witness walked before the Court as if he carried a nervous system very shaky with bad rum, and his language was an incomprehensible compound of ancient Gaelic and corrupt English. Judge Osborn to Connolly—You will have to interpret. Connolly in reply—You are both more familiar with the language than I am. The Court to O'Neil—You can go. Whereupon O'Neil, shaking with dangerous tremor, left the stand. Mary Gibon was then called, and rattled away at length in pure, unadulterated Gaelic to Justice Connolly in particular, which his Honor interpreted as meaning nothing special, except that there was a little romantic encounter between the newly made bride and groom. Judge Osborn—I guess the assault was nothing more than a love tap. This caused the bride to laugh more fascinatingly than ever, as she bed, in fact, a pleasant, interesting face. The Court, upon the whole, concluded thereto to find her guilty and suspend her sentence, when she tripped out of the Court-room with a countenance as cheerful and a step as elastic as if passing from a bridal party.

The case of Sarah Sands, charged with keeping a disorderly house at No. 10 East Eleventh street, was again called up this morning. Mr. C. Spencer, his counsel, admitted the house was kept for assignation purposes, but denied that such a house was thereby rendered a disorderly house as contemplated by the statute. Mr. Wilcox appeared for the complainants. After considerable discussion, the question of law, whether such a house could be called legally a disorderly one, was postponed for discussion till Saturday, and the case went over till that day. Miss Sands was present at the bar, and appeared dressed throughout in modest black. She took it cool. She is a "lady" from Maine, and has plenty of the "material aid."

A large number of other cases were either discharged for absence of witnesses, or postponed to a future day.

Police Commissioner Nye occupied a seat for some time to-day with the Court, and seemed much interested in the proceedings. Adjourned to meet Saturday morning.

COURT CALENDAR—THIS DAY.

UNITED STATES DISTRICT COURT.—Nos. 21, 22, 29, 30, 31, 35, 36, 37, 38, 40.

MARRIED.

BLAIR—MAWHA—On Tuesday, Sept. 8, at the residence of the Rev. Hugh H. Blair, No. 34 Perry street, Mr. James Blair of this city, to Miss Isabella Mawha of Brooklyn, E. D.

BROOK—TORBERT—On Tuesday, Sept. 8, by the Rev. J. E. Rockwell, Mr. William W. Brook to Miss Susan S. Torbert of Brooklyn.

FRAZIER—HUTCHINGS—On Wednesday, Sept. 9, in Brooklyn, E. D., by the Rev. Mr. Jocelyn, Mr. Alfred Frazier to Miss Elizabeth Hutchings.

GOODRICH—WICKES—At Albany, Sept. 10, by the Rev. S. T. Seelye, William W. Goodrich, esq., of this city, to Miss Frances A., only daughter of Henry N. Wickes, esq., of Albany.

SNIFFEN—CORNELL—On Thursday, Sept. 3, by the Rev. R. L. Jones, Miss Elizabeth Sniffen to Mr. George H. Cornell, both of this city.

TIMM—SENGEWALD—At Hoboken, N. J., on Wednesday morning, Sept. 9, by the Rev. Mr. Wosidlo, Henry C. Timm to Bertha Sophia Sengewald, both of Hamburg, Germany.

WARRICK—MARSH—At Newark, N. J., on Wednesday morning, Sept. 9, by the Rev. Wm. C. Nelson, Henry Warrick of Albany, N. Y., to Mary Arnsella, youngest daughter of B. Marsh, esq., of the former place.

DIED.

ASHMEAD—At sea, on board the United States ship Falmouth, on Wednesday, July 29, Chilion, son of Chilion and Hannah Ashmead, aged 34 years, 7 months and 8 days.

BARKER—In Brooklyn, on Wednesday, Sept. 9, Mrs. Hannah Baker, aged 67 years.

The relatives and friends of the family are invited to attend the funeral this (Friday) afternoon at 4 o'clock, from No. 125 Sands street, Brooklyn.

BAXTER—On Saturday, Sept. 5, at Norwalk, Conn., Salina C. S., only daughter of Nathaniel D. and Salina C. Baxter, aged 7 months and 9 days.

BIGGER—In Congress place, on Wednesday, Sept. 9, Mrs. Margaret Bigger, wife of Alexander Bigger, aged 50 years.

BOLMORE—In Baltimore, Md., on Wednesday, Sept. 2, Benedick Bolmore of this city, aged 37 years, only son of the late Jacob Bolmore.

COFFEE—In this city, on Wednesday, Sept. 9, Julia Anne Coffee, daughter of John and Julia Coffee, aged 2 years, 1 months and 2 days.

ECKERT—On Tuesday evening, Sept. 8, from injuries received by having his hand crushed on Monday, Aug. 31, Sidney H. Eckert, aged 23 years.

GARRISON—In Brooklyn, on Wednesday, Sept. 9, John Thomas Garrison, son of Samuel and Harriet Garrison, in the 4th year of his age.

GREENAN—At No. 155 West Nineteenth street, on Wednesday, Sept. 9, Francis Greenan, aged 23 years.

HALL—On Thursday morning, Sept. 10, after a lingering illness, Mr. Albert Hall, aged 45 years.

His relatives and friends are respectfully invited to attend his funeral on Friday, 11th inst., at 2 p. m., from 41 Marion street.

HOOD—At No. 10 North First street, Williamsburgh, E. D., on Tuesday, Sept. 8, Ann, wife of James Hood, aged 26 years.

HAMILTON—On Wednesday, Sept. 9, Augustus Coolidge, infant son of Charles Kennedy and Margarette M. Hamilton.

KINNEY—Suddenly, on Wednesday evening, Sept. 9, while playing at the foot of Troy street, fell off a pile of lumber and was drowned, Hiram, the oldest son of Thomas and Margre Kinney, aged 10 years and 2 months.

MORE—In this city, on Tuesday, Sept. 8, John More, youngest son of James and Janet More, aged 1 year and 5 months, after a short illness.

MILLER—In Williamsburgh, on Tuesday, Sept. 8, David G., infant son of Jacob M. and Mary A. Miller, aged 1 month.

MADDEN—In Brooklyn, on Wednesday, Sept. 9, Amos Madden, aged 65 years and 6 months.

O'DONNELLY—At No. 239 Tenth avenue, on Wednesday, Sept. 9, Isabella, only daughter of Henry and Isabella O'Donnelly, aged 11 months.

O'ROURK—At No. 43 Watts street, on Wednesday, Sept. 9, Michael O'Rourk, of disease of the heart.

PRALL—On Thursday morning, Sept. 10, Abraham A. Prall, eldest son of the late Ichabod Prall.

The relatives and friends of the family are invited to attend his funeral from the house of his brother-in-law, George W. Thompson, No. 23 West Twenty-fifth street, on Saturday, the 12th inst., at 10 o'clock p. m., without further notice.

RACY—At No. 22 Stanton street, on Wednesday, Sept. 9, Lucy M., youngest daughter of Lorman and Almira Racy, aged 1 year, 10 months and 26 days.

RICHARDS—At No. 39 West Seventeenth street, on Wednesday morning, Sept. 9, William Richards, aged 50 years and 5 months.

ROSENBAUM—At No. 230 Sullivan street, on Wednesday, Sept. 9, John Frederick Rosenbaum, son of John H. Rosenbaum, aged 10 months and 29 days.

SATTERLEY—At Mount Vernon, N. Y., on Wednesday, Sept. 9, Sarah Emma, infant daughter of John G. and Harriet H. Satterley, aged 1 year, 5 months and 4 days.

The relatives and friends of the family are requested to attend the funeral on Friday at 2 o'clock p. m., without further invitation. Train leaves Twenty-seventh street at 12:45 p. m.

STEBBINS—On Tuesday, Sept. 8, Mrs. Catherine Ann Stebbins, widow of the late Edward Stebbins of Savannah, Ga., in the 77th year of her age.

STILLINGS—At Wilber, Ulster County, of croup, on Tuesday, Sept. 8, John C. C., eldest son Isaac J. and Nancy E. Stillings, aged 2 years and 10 months.

SKIDMORE—At No. 192 Navy street, Brooklyn, on Wednesday, Sept. 9, Henry Clay Skidmore, son of William T. and Susannah Skidmore, aged 11 months.

TREADWELL—On Saturday, Sept. 5, at Middletown, Conn., of congestive fever, Mrs. Hannah E. Treadwell, widow of the late John P. Treadwell, aged 75 years.

THORBURN—At No. 310 Delancy street, on Wednesday, Sept. 9, Olivia D., daughter of George and Adeline Thorburn, aged 10 months and 6 days.

TURNER—At No. 350 Third avenue, on Wednesday, Sept. 9, Isaac B., youngest son of Cornelius and Eliza A. Turner, aged 1 year and 23 days.

WATSON—In Flushing, on Wednesday, Sept. 9, Sarah, wife of E. L. Watson, aged 30 years.

The relatives and friends of the family are respectfully invited to attend her funeral from St. Thomas's Church, Broadway and Houston street, this day (Friday) at 3 p. m., without further invitation.

WALSH—In this city, on Wednesday, Sept. 9, Maurice Walsh, 19 years of age, after a short illness.

COMMERCIAL MATTERS.

Sales at the Stock Exchange.....SEPT. 10

14,000 Tenn. State 6s, '90	74	50 Cons. Coal Company	11
10,000 Virginia 6s	87	25 Hudson River Railroad	13½
31,000 Missouri State 6s	71	25 do	13⅝
2,000 N. C. State 6s	92	15 do	13½
3,000 N. Y. Cen. R. R. 6s	82½	31 Reading Railroad	43
3,000 Erie R. R. Con. 6s '71	45	200 do s3	43½
2,000 Harlem R. R. 1st Mt.	68	200 do s3	44
34,000 Ill. Cen. R. R. Bds	85	100 do s3	44½
5 Ill. Cen. Ply Rights	107	100 do	44
1,000 Tor. H. & A. 2d Mt.	46	100 do	44½
40 Bank of the State N. Y.	94	100 La Crosse & Mil. R. R.	16
50 do	95	200 do	16½
25 Bank of Commerce	98	15 Mich. Central R. R.	66
35 American Ex. Bank	95	100 M. So. & N. Ind. R. R. c	21½
75 Park Bank	90	255 do	21
15 Metropolitan Bank	95	55 do	21½
1,0 Canton Company	16	35 M. So. & N. Ind. Pref. b63	42
200 do b60	16½	50 do	41½
32 Del. & Hud. Canal Co.	107	10 do	41
38 do	107	50 Panama Railroad	73½
125 Penn. Coal Company	70	10 do	73¾
20 Pacific Mail Steam. Co.	69	74 do	80
5 do	71	100 Illinois Central R. R. s60	83½
100 New-York Cent. R. R. c	77½	10 Clev. Col. & Cin. R. R.	87
20 do	71	150 Galena & Chicago R. R.	74
50 do	71½	50 do	74½
200 do b30	71	100 do	74½
50 do b9	71	50 do s10	74
100 do b5	71	600 Clev. & Toledo Rail'd.	36
100 do	70½	85 Chic. & Rock Isl'd RR.	75
300 do	70½	50 do	75½
100 do s5	70½	100 do	74½
100 Erie Railroad	35	200 do	73
100 do b5	20	120 Milw. & Miss. R. R.	54
275 do	20	100 do b7	54½
150 do	20	100 do	55
50 do s10	20	15 C. B. & Quincey R. R.	80

SECOND BOARD.

13,500 Ill. Cent. R. Bonds	84	10 La Crosse & Mil. R. R.	16
10 Commonwealth Bank	98	120 do	16
150 Bank of Commerce	94	50 Reading Railroad	44
50 do	95	200 do	43½
100 Penn. Coal Co.	30	100 do	43½
200 N. Y. Central R. R.	70	200 do b30	44
40 do	70½	100 do s3	43½
30 Del. & Hud. Can. Co.	107	200 do b3	44
150 Cumberland Coal Co.	11	200 do b5	44½
50 Erie Railroad	20	108 Mich. So. & N. Ind. R.	21½
100 do	20½	150 Mil. & Miss. R. R.	56
15 Illinois Central R. R.	83		

THURSDAY, Sept. 10—P. M.

In the stock market there is no important change from yesterday, but in the morning there was a favorable reaction in some descriptions. Reading was in demand, and was bought up to 44¼, but afterward reacted, and closed at 41@44; Erie, Central Southern, &c., are about the same as yesterday. The principal features of the market are much the same as yesterday. Considerable amounts of cash stock, thrown on the market by the weakness of holders, and an absorption of stock to some extent by outside parties, and to this slow process of absorption of cash stock we must probably look as the principal element to arrest the decline in stock values which has been going on for some time past. At the Second Board, the market was strong, and closed firm. Erie 20@20¼, Central 71, Southern Michigan 21½, &c.

The Exchange market remains as noticed yesterday.

Freights are again a trifle firmer. To Liverpool the engagements are 43,000 bush. Grain at 5d. in bulk and 5½@6d. in bags; 110 bales Cotton at ⅜c. 6d; 200 bales, part Sea Island, at ¾d. ⅌ lb; 3,300 bbls. Flour at 1s. 3d. @1s. 6d; 400 boxes Cheese at 29s. To London: 150 tuns Oilcake at 20s; 400 bxs. Cheese at 30s. To Glasgow: 4,000 bush. Grain on private terms. A British bark of 320 tuns register to Glasgow at £500.

The business of the Sub-Treasury was: Receipts, $142,336; Payments, $317,338 80; Balance, $10,721,831 02.

Notwithstanding further mercantile disasters reported, the general feeling continues to be more quiet and hopeful for the future. The reaction from the interior is looked for with some apprehension, but there are no evidences of panic. The failures announced are Frederick G. Swan, dry goods, an extensive concern, liabilities one million; Robertson, Hudson & Pulham, dry goods, Grant Sales, & Ford, Starling & McCullock, produce receivers. Money continues in active demand, and without quotable change in rates. Paper is easier to pass. The street appears to be comparatively easy, as the reduced volume of business has much contracted the waste of the stock houses. The Banks continue to receive considerable amounts of coin from the interior.

The Bank of Orleans and the Bank of New-Jersey at New-Brunswick are thrown out to-day.

Messrs. Bowen, McNamee & Co. deny positively the rumor that they have sold their new building to Mr. Wm. B. Astor. They say:

"MESSRS. EDITORS: *The Journal of Commerce* states that 'there is a current report that Messrs. 'Bowen, McNamee & Co. have sold their splendid 'store on Broadway to Mr. William B. Astor for 'a cash consideration, and leased of him for twelve 'years.'

"You will oblige us by saying that this rumor, like a good many other rumors current about this time, is entirely false; the thought even of such a transaction never having been suggested or entertained by us.

"BOWEN, MCNAMEE & Co."

The earnings of the Milwaukee and Mississippi railroad Company are:

For August, 1857	$90,616
For corresponding month last year	56,564
Increase	$34,052

The earnings of the Michigan Central Railroad for August were:

	1857.	1856.
Passengers	$126,357 08	$136,224 57
Freight	88,219 12	112,021 45
Miscellaneous	6,294 78	6,891 87
Total	$221,853 98	$255,649 89
Decrease		$33,795 91

The receipts of the Chicago and Rock Island Road for the first week of September show an increase of $5,200 over last year. The August receipts were $142,265 47 against $176,794 24 last year.

The revenue of the Baltimore and Ohio Railroad for August was as follows:

	Main Stem.	Wash'n Branch.	Total for both roads.
For Passengers	$74,903 44	$29,562 38	$104,377 32
For Freight	325,559 22	8,927 64	334,486 86
Total	$400,361 66	$38,196 52	$438,858 18

The following is a statement of the earnings of the road during the month of August as compared with the corresponding month of last year:

	Main Stem.	Wash'n Branch.	Total.
August, 1856	$424,825 38	$39,647 92	$477,973 30
August, 1857	413,511 66	38,496 52	438,358 18
Increase	$11,575 30	Dec. $1,151 40	Dec. $19,421 33

The above shows an increase of $11,575 30 on the Main Stem, and a decrease of $1,151 40 on the Washington Branch—making a net increase of $10,424 38 during the month over the corresponding month of last year.

The following are the receipts of the Morris Canal Company for the past week and season, as compared with the receipts to corresponding time last year:

Total to August 30, 1856	$120,481 38
Week ending Sept. 6, 1856	11,952 88
	$201,434 25
Total to August 29, 1857	$190,128 65
Week ending Sept. 5, 1857	9,709 31
	$199,837 96
Decrease in 1857	$1,596 30

The Committee to examine the affairs of the Michigan Southern Railroad were in session to-day.

There have been some orders received for our Stocks by the late steamers, and in most cases they have been executed. The last steamer also brought a proposition from some Paris capitalists to furnish the Erie Railroad Company with $1,500,000, sufficient for all their wants, upon an issue of preferred shares. The Company would probably be glad to accept this proposition were it not that it has already published proposals for a loan in a different shape, and that it would require legislative action to give the needed authority to issue the shares. This authority could probably be obtained, and should, by chance, the present loan fail, it may be necessary to take advantage of the Paris proposition.

Mr. Matthias Clark has been elected President of the People's Bank