MUSICAL.

THEODORE THOMAS'S SECOND SYMPHONY SOIREE.

The second of Theodore Thomas's Symphony Soirees, was one of the finest concerts ever given in this city. It was conceived on a grand scale and was grandly carried out. We took occasion to frequently call public attention to the musical importance of this concert, and to the large pecuniary risk voluntarily taken by Mr. Thomas, to produce the Ninth Symphony of Beethoven in a manner commensurate with its grand proportions, and we were gratified to see our appeal responded to by the large and brilliant audience attending at Steinway's Hall, on Saturday evening, although the number was not sufficient to protect Mr. Thomas from loss. The production of this Symphony involves the necessity of gathering together a large and powerful chorus, a matter almost impracticable in this great city of a million of people. Mr. Thomas used every possible endeavor to achieve this, and if he only partially succeeded it was because it could not be done.

The programme consisted of but three selections. Part 1—Mozart's Overture to the Marriage of Figaro, and Schumann's Concerto for Piano, in A minor, Op. 54, performed by Mr. S. B. Mills. Part 2—The Ninth Symphony, in D minor, Op. 125, by Beethoven. The overture, which is always fresh and ever welcome, was finely executed; every point was promptly taken up, and all the subjects clearly developed, the whole work gaining importance by the superb body of instruments devoted to its performance.

The Schumann Concerto, which is noble in thought and admirable in treatment, was superbly played by Mr. S. B. Mills. It is in such compositions that the best powers of Mr. Mills are developed. In these his crisp, firm and brilliant touch, his faultless execution and equality of finger, his clear and distinct delivery, and his marked and rounded phrasing, are the needed points of excellence—points in which Mr. Mills has few equals and can scarcely have a superior. We have rarely heard a performance so equal throughout, and one against which we could hardly raise an objection. His reading of it was unexceptionable and his execution was equal to the inspiration of the composer. Mr. Mills has added luster to his already high and well deserved reputation by his masterly performance on Saturday evening. The orchestral accompaniments were rendered with admirable care and precision, and with all the fine coloring necessary to sustain and develope the piano solo. This accompaniment was one of the most gratifying features of the concert.

The ninth symphony is a titanic work, magnificent in its conception, and culminates in a massive effect of united voices and instruments, which is overpowering in its grandeur and majesty. There are many who deprecate Beethoven's departure from the symphonic model by the introduction of voices; but to our mind, the result fully justified the departure, for a combination more powerful in wonderful sonority was never conceived or framed by the mind of man.

The several movements of the symphony were played with infinite care. The allegro was taken in fine tempo, which was maintained firmly to the end, and the solid grandeur of the Maestoso was wonderfully effective. The scherzo was also brilliantly executed; the color was fine, and in point of delicacy the performance could hardly be excelled. The adagio was, probably, in all points the most finished performance. There was a smoothness and roundness especially in the cantabile passages worthy of all praise. The whole movement was carried through with grace and profound expression.

The great choral portion of the symphony was instrumentally grandly performed, and made a profound sensation, notwithstanding that the chorus was by no means equal to their duties. It is true that Beethoven has taxed the voices far beyond the ordinary registers, and the unusual compass demanded, and the exceeding difficulty of the intervals, form a reasonable excuse for some of the short-comings of the singers. The ultimate point of combined power at the close of the movement lost something of its intended effect, from the fact that the instruments overshadowed the voices. Still, the effect was sufficiently massive and brilliant to arouse the enthusiasm of the audience to the highest pitch of excitement. The applause at the close was vehement and long-continued, and loud, imperative calls were made for Mr. Thomas, who, on his appearance, was greeted by waving of handkerchiefs and hats, and a perfect uproar of approbation. Such a reception, proving as it did a high appreciation of his successful efforts on this occasion, must have been truly gratifying to Mr. Thomas. It was honestly earned and well deserved. Mr. Thomas labored hard to produce a performance worthy of the art, and his success was complete, so far as he could control the material at his command. He proved himself able to sway and direct a vast musical combination, and has placed himself firmly in the position he has striven for years. We congratulate him warmly upon the results of his efforts, and we hope that some efforts will be made by subscription or otherwise to reproduce the entire programme at an early date. We must say a word for the solo singers. Mr. M. Duschnitz, though apparently nervous, rendered his solo well, and his other members of the quartette, Mrs. Rogers, Mrs. Kruger, Miss Ella Meyer, and Mr. W. F. Hill, acquitted themselves creditably.

One word about the supernumerary conductors. If Mr. Berge got up the chorus, all praise that is due should be awarded to him. But as supernumerary conductor, he was terribly in the way of a perfect performance of the choral movement of the Symphony. His beat constantly differed from that of Mr. Thomas, rendering a perfect unity between chorus and orchestra rarely possible. In vast orchestras of many hundreds of singers and players, a second conductor is often necessary, but on this occasion it was an addition without a gain.

EDWARD MOLLENAUER'S CONSERVATORY CONCERT.

The classical concert given to the pupils of his conservatory and the public by Mr. Mollenhauer, at Irving Hall, was fairly attended on Saturday afternoon. The best feature of the programme was some admirable playing by the brothers Edward and Henry Mollenhauer. Their duo was a gem in execution and expression. We have rarely heard these gentlemen to such advantage, in points of brilliance, taste and finish. One of the pupils, a little girl of about 12 years of age, played a sonata of Beethoven in a very correct and pleasing manner. A new pianist, Mr. Hartmann, played very badly, caricaturing the authors he attempted to interpret in a very heartless and ridiculous manner.

ANNUAL CELEBRATION OF THE CECELIAN CHOIR.

The annual celebration of the Cecelian Choir took place at Irving Hall on Saturday afternoon. A number of Dr. H S. Cutler's students, together with members of the press, were invited and sat down to an elegant dinner with the engaging and talented little fellows who form the Cecelian Choir. It was a delightful entertainment and the boys enjoyed themselves hugely. They were under no restraint, were full of fun, but behaved themselves like little gentlemen as they are. Dr. Henry S. Cutler, the teacher and director of their studies, seems to be specially beloved by them, and the vociferous cheer which followed the proposal of his health, must have done his heart good. The healths of Mr. L. F. Harrison and Mr. G. W. Morgan were also responded to with enthusiasm. Dr. Cutler addressed the boys in a very eloquent and feeling manner, and his remarks were listened to with profound attention and loudly cheered.

It is scarcely credible that five months ago these boys were utterly unacquainted with music, and yet a few nights since they performed in admirable style the whole of the choruses of Handel's Oratorio of Samson. The labor on the part of the teacher to accomplish this result may be well imagined, and too much cannot be awarded to Dr. Cutler for his admirable method of training; and his patience, tenderness and gentleness toward the boys, who have learned not only to respect but to love him. His efforts have been crowned with remarkable success, and we look forward with great interest to the future of the Cecilian Choir, hoping that before long they will perform some of the fine old madrigals and glees which would prove very generally attractive.

OPERA COMIQUE—THEATER FRACAISE.

Herold's almost grand opera, Zampa, in its second representation at the Theater Francaise, evidenced marked improvement in almost every particular. Zampa has always been regarded as presenting many difficulties in the principal rôles, the situations depending more upon great ensemble excellence requiring high dramatic power in the artists than upon facile and brilliant vocal achievement. Herold obviously planned the work upon Da Ponte's Don Giovanni, and for all situations which depend upon supernatural agency for sensational and intensely dramatic effect, he follows Da Ponte's ideas quite closely, simply changing the form of the statue, and making Leporello a corsair's mate instead of a valet. Why Zampa should have been written for the opera comique instead of a Parisian Grand Opera House puzzles those who do not know or recollect that Roger shone resplendent there, and other competent artists available for the roles of Alphonse, Camille, Capuzzi and Dandolo, that the chorus and orchestra could compare favorably with those of L'Academie, while the *mise en scene*, and every accessory necessary needful to produce such a spectacle-opera were ready for use in lavish profusion. In fact, the great success attained with Zampa shaped and controlled to a great extent the managerial policy of the Opera Comique, and so firm and persistent has been the adherence to like melodramatic opera productions, that it elicited from Parisian critics, while commenting upon the latest work in that style, "Jose Maria," that "L'Opera Comique had brigaud upon the brain." Roger was lured from his true sphere to a grander Opera-house, and he has never regained the prestige which his performance in that house conferred. Others have attempted to replace him there, but Parisians sigh for the good old days when Roger made L'Opera Comique gloriously successful.

The artists at the Theatre Francaise are not equal to the full requirements of the vocal score of "Zampa." Mlle. Naddie executes florid music very brilliantly, but she lacks vocal and dramatic force to give the intenser points due effect. She acts her part in a pleasant manner, but by no means impressively. Zampa not only requires noble presence and bearing, winning ways and positively fascinating address and manner, but a tendre robuste of great range and dramatic instinct to guide and color its delivery. M. Arnaud has a good presence and a fair idea of stage bearing, but his voice is uneven, and needs constant driving, save in the softer passages. His efforts to produce the higher tones is almost distressing. He has, however, some happy moments, and in rôles of less difficulty would be a successful candidate for public favor.

Mlle. Laurentes made "Ritta" very acceptable both vocally and dramatically, displaying, as usual with this justly popular artist, nice perception of the character and music confided to her interpretation, united with vocal and dramatic ability commensurate with her excellent dramatic instinct.

Messrs. Chol and Edgard acted their parts well, but they lacked voice and skill to execute many trying passages. Their drollery and quaint, crisp dialogue carried off many vocal shortcomings, and gave life and spirit to the performance. The chorus and orchestra were in good subordination and executed their portions of the opera very satisfactorily.

MOLLENHAUER'S CONSERVATORY.

Edward Mollenhauer has opened in Schuberth's Building, No. 820 Broadway, the Musical Conservatory, of which he is director. The professors number the brothers Mollenhauer, both very accomplished musicians, Ferdinand Ritter, Messrs. Tomoro and Gignetti, Schreiber, Heydtmann, Schrimpf, Geoschel, Lopeal, Wellenstein and Hennig, well-known in their departments of music. This institution has every promise of growth to meet a wide and highly intelligent demand. The professorships are unusually varied and able. The price per year of 80 lessons is but $32.

THE SOUTHERN REPUBLICAN ASSOCIATION.

At a meeting of the Southern Republican Association, held at No. 24 Pine-st., New-York, the following named gentlemen were elected permanent officers of the Association for the ensuing year commencing December 1, 1866:

The Hon. Thomas J. Durant, La., President; the Hon. Phillip Fraxer, Fla., Vice-President; Gen. E. M. Pease, Texas, Vice-President; the Hon. E. Bleistend, La.; Henry G. Cole, esq., Ga.; Judge M. J. Safford, Ala.; Gen. Thomas M. Hite, Me.; the Hon. Hugh L. Bond, Md.; the Hon. Joseph W. Fields, Miss.; Capt. A.W. Tourgee, N. C.; the Hon. Peter Flaherty, Ark.; the Hon. S. C. Mercer, Tenn.; Gov. J. W. Berryman, West Va.; Gen. Jas. W. McKee, Ky.; the Hon. Lysander Hill, Va.; the Hon. J. M. Redmonds, D. C.; Dr. R. O. Sidney, Miss., Corresponding Secretary; C. A. Sabin, esq., Texas, Corresponding Secretary; Capt. D. H. Bingham, Ala., Recording Secretary.

The Hon. Lorenzo Sherwood offered the following resolutions, which were adopted:

Resolved, That the Southern Republican Association will now adjourn, to assemble on Monday, the 3d day of December, 1866, at 11 o'clock a. m., at No. 236 F-st., Washington, D. C., and that all Southern Republicans are cordially invited to be present.

Resolved, That this Association remain in session from day to day, during the sitting of the XXXIXth Congress, unless sooner adjourned.

ALPHA DELTA PHI DINNER.—Charles E. Milnor, to represent Union Chapter, and Samuel St. John, M. D., LL.D., Professor of Chemistry, College Physicians and Surgeons, to represent Hudson Chapter, have been added to the Alpha Delta Phi Dinner Committee. The dinner takes place in this city, at 6 o'clock, on Thursday, Dec. 27.

CIVIL COURTS.

UNITED STATES DISTRICT COURT—Nov. 26.—Before Judge BETTS.

THE CHILIAN PRIVATEER—THE DUTIES OF NEUTRALS—THE DOCTRINES OF THE UNITED STATES AND THE ENGLISH RULERS—THE METEOR AND THE SHENANDOAH.

The United States agt. The Steamship Meteor.

At last the long expected decision of Judge Betts in the case of the Chilian privateer, the Meteor, has been delivered. The whole opinion is too lengthy for the columns of this paper, but we print below the most important portions. It will be remembered that the Meteor was seized on suspicion of having been purchased by the Government of Chili for privateering purposes, in the manner in which the Shenandoah was purchased in England; that the only munitions of war found on her were some one or two cases of fixed ammunition, and the chief evidence against the vessel was her character as specially fitted for warlike purposes and the character of the agents of the purchasers. The vessel was condemned last Spring and then bonded, but the grounds of condemnation have not heretofore been published. In its opinion, the Court, after reviewing the formal questions raised by the defense, discusses the question as to the necessity of first convicting some person of the crime of fitting out an armed vessel, and decides that this is not necessary in an action *in rem* for the condemnation of the vessel, citing Mr. Justice Story's decision in the case of the brig Malek Adhel (2 How., 210) and the cases cited therein, and declares, on the authority of these cases, that under the third section of the act of 1818, under which the libel in this case is filed, it is only necessary, in order to secure a condemnation of the vessel, for the libelants to show that the vessel has been fitted out and armed, or been attempted to be fitted out and armed, or been furnished, fitted out or armed, with the intent on the part of any person fitting out and arming her, or attempting to fit out and arm her, or procuring her to be fitted out and armed, or knowingly concerned in the furnishing, fitting out or arming of her, that she should be employed in the service of any foreign State, or of any people, to cruise or commit hostilities against the subjects, citizens or property of any foreign prince or State, or of any people, with whom the United States are at peace; that it is not necessary for the libelants to prove the individuality or identity of such person, any further than to prove that the prohibited acts were done by some person; that it is not at all necessary for the libelants to show that the owner of the vessel or his authorized agent was concerned in the commission of the prohibited acts, but the law imposes upon the owner the necessity of withholding his property from being made by any person the instrument of violating the law; and that, if the law has been violated, the vessel may be forfeited if the prohibited acts have been committed by any person, whether the owner was concerned in the violation of the law or not.

At the conclusion of the trial the libelants asked to amend their pleadings, on which the Court ruled as follows:

"In the present case, the Court is of opinion that the proposed amendments will not introduce any new res, or subject of litigation, and that public justice and the substantial merits of the controversy require their allowance, and without the imposition by the Court of any terms on the libelants. The amendments are, accordingly, allowed to be made, with like effect as if they had been contained in the amended libel when it was filed, and the libelants are at liberty to enter an order of amendment to that effect."

"On the merits, the sole question for determination in this case is, whether the averments of the libel, as thus amended, are supported by the testimony, and whether any offense prohibited by the third section of the act of April 20, 1818, was committed prior to the filing of the libel, so as to require the forfeiture of the vessel, her tackle, &c. The offenses set out in the section must have been committed within the limits of the United States, and are properly classified thus: *First*: The fitting out and arming by any person, of any vessel, with the intent on the part of such person, that she shall be employed in the service of any foreign state, or of any people, to cruise or commit hostilities against the subjects, citizens or property of any foreign prince or state, or of any people, with whom the United States are at peace. *Second*: The attempting by any person to fit out and arm any vessel with the like intent. *Third*: The procuring of any person to fit out and arm any vessel with the like intent. *Fourth*: The being knowingly concerned by any person in the furnishing of any vessel with the like intent. *Fifth*: The being knowingly concerned by any person in the fitting out of any vessel with the like intent. *Sixth*: The being knowingly concerned by any person in the arming of any vessel with the like intent. *Seventh*: The issuing or delivering by any person of a commission within the territory or jurisdiction of the United States, for any ship of vessel, to the intent that she may be employed as aforesaid. If any one of these offenses has been committed, the vessel in respect to which it is committed, is, with her tackle, &c., to be forfeited." * * * "Under the interpretation of the statute contended for by the claimants, it would be no offence to issue or deliver a commission within the United States for any vessel, unless such vessel were actually armed at the time, or perhaps were intended to be armed prior to her departure from the United States; and it would be no offense to receive a commission within the United States for a vessel fitted and equipped to cruise or commit hostilities, and intended to cruise and commit hostilities, so long as such vessel was not armed at the time, and was not intended to be armed within the United States, although it could be shown that a clear intent existed, on the part of the person issuing or delivering the commission, that the vessel should receive her armament the moment she should be beyond the jurisdiction of the United States. The Court cannot give any such construction to the statute. Such a construction was repudiated by the Supreme Court."

"The testimony is abundant that the owners of the Meteor, both directly and through their recognized agent, Cary, were knowingly carrying on negotiations with persons who they received as authorized to represent the Chilian Government, and who did in fact represent that Government, for the sale of the Meteor to that Government; that the negotiations between Cary and Wright were carried on during the war between Spain and Chili; and that Wright disclosed to Cary that his principals were the Chilian Government. The Meteor was seized on the 22d of January, 1866. The number of her extra furnished to the custom-house by her master, and put in evidence, sets forth her cargo as being fuel and stores, and her destination as being Panama, with a crew fifty-seven in number." * * *

"Much reliance was placed by the counsel for the claimant in his summing up, upon the doctrine supposed by him to have been laid down by the Supreme Court in the case of the Santissima Trinidad, (7 Wheaton, 283). That doctrine was stated by him in various forms, but the principle contended for was, that freedom of commerce is allowed to a neutral to furnish to a belligerent warlike materials or warlike vessels, as articles of merchandize or traffic; that while the principle of the law of nations is recognized, which prohibits neutral territory from being used by either belligerent as a vantage-ground from which he may sally forth to commit hostilities upon the other belligerent, yet the right of citizens of the neutral country to sell all that their industry produces for purposes of war, as fair matter of trade, to any belligerent, cannot be interfered with; that it is no offence and no violation of neutrality to sell a vessel of war, armed or not armed, in our ports, to a belligerent power; and that there is the same right, under the law of nations, to sell in our ports an armed vessel, under such circumstances, that there is to sell guns or ammunition or any other raw material. At another stage of his argument, the counsel maintained the proposition, that unless it appeared affirmatively that the vessel was to sail out from the port of New-York as an enlisted hostile ship of one belligerent, there was no criminality; although it should be made to appear by indisputable proof that she had been built, fitted, armed and equipped as a ship of war, complete and ready for action. The views thus pressed upon the Court have, in its judgment, no foundation in public law, or in any decision that has been made by the highest judicial tribunal of the United States."

"The Court then discusses the cases of the Santissima Trinidad and the Grand Para, and concludes:

"The Meteor, although she did not have on board of her, when seized, any cannon, small arms or ammunition, except the boxes of cannon shot testified to by the witness Seese, was not, on the evidence, really engaged any more in a commercial adventure, in taking out her clearance for Panama, than was the irresistible in her voyage to Buenos Ayres. The Meteor, although not equipped in her outfit for military operations, was a vessel of war, and not a vessel of commerce. She has in no manner been altered from a vessel of war so as to fit her to be only a merchantman, and so as to unfit her to be a vessel of war. It needed only that she should reach a point beyond the jurisdiction of the United States, and there have her armament and ammunition put on board of her, to become an armed cruiser of the Chilian Government against the Government of Spain. To permit a transaction of the kind shown by the proofs in this case to be consummated, would, in the language of Chief-Justice Marshall, in the case of The Gran Para, be 'a fraudulent neutrality.'" * * * *

"The sale of a fully armed vessel of war in the United States to a belligerent government, or to a subject or citizen of such government, may be, as a naked act, lawful, and no offence against the law of nations or the statutory law of the United States, if such vessel passes virtually, and to all practical intents and purposes, in the United States, into the control of the belligerent power, or of its subject or citizen, with the intent on the part of those concerned in putting the vessel under such control that she shall be employed in the service of the belligerent power, to cruise or commit hostilities against the subjects, citizens or property of a power at war with such belligerent and at peace with the United States, the neutrality of the United States is compromised, and the neutrality law of the United States is violated. To say that, with such an intent proved in the sale of the vessel, nothing has been done in violation of the third section of the Act of 1818, is to make such section virtually a dead letter. The doctrine contended for would result in this—that the building and arming of the vessel would be perfectly lawful, because, in building and arming her, there was no intent to have her unlawfully employed; and the sale would be perfectly lawful, although such intent existed at the time of the sale, because no such intent existed when she was built or armed; and no interference could be had with her after the sale, because, as she was fully armed and equipped at the time of the sale, it would be unnecessary to do anything to her after the sale to enable her to cruise or commit hostilities. This consequence would follow not only in the case of a vessel fully armed, but in respect to one which had been merely attempted to be fitted out and armed, and in respect to one which had been only partially fitted out and armed. The intent is, under the third section, the thing which marks the offense. If the prohibited intent does not exist, a citizen of the United States may not only sell a fully armed vessel, in a port of the United States, to a belligerent power, or to a subject or citizen of such power, but may also send a fully armed vessel to a foreign port for sale as an ordinary commercial adventure. To say that the Neutrality laws of the United States have never prohibited the sale of a vessel of war as an article of commerce, is merely to say that they have not prohibited the fitting out and arming, or the attempting to fit out and arm, or the furnishing or fitting out or arming, of a vessel within the limits of the United States, provided the unlawful intent prohibited by them existed."

The importance of this case, not merely in view of the pecuniary value of the vessel proceeded against, but also in respect to the principles of public law involved in it, have led the Court to a more extended discussion of those principles than would otherwise have been necessary. The Court, however, entertains no doubt as to the correctness of the doctrines of public law which it has applied to the present case. Those doctrines are the result of the legislative, executive and judicial action of the public authorities and tribunals of the United States in a great variety of cases, and the Court has nowhere found a more excellent summary of them than in Wheaton's International Law, (8th Edition, with notes by Dana, pages 562, 563, note 215): "As to the preparing of vessels within our jurisdiction for subsequent hostile operations, the test we have applied has not been the extent and character of the preparations, but the intent with which the particular acts are done. If any person does any act, or attempts to do any act, toward such preparation, with the intent that the vessel shall be employed in hostile operations, he is guilty, without reference to the completion of the preparations, or the extent to which they may have gone, and although his attempt may have resulted in no definite progress toward the completion of the preparations. The procuring of materials to be used, knowingly and with the intent, &c., is an offense. Accordingly, it is not necessary to show that the vessel was armed, nor was in any way, or at any time, before or after the act charged, in a condition to commit acts of hostility." "Our rules do not interfere with bona fide commercial dealings in contraband of war. An American merchant may build and fitly arm a vessel, and provide her with shot and other munitions for sale in our own market. If he does any acts, as an agent or servant of a belligerent, or in pursuance of an arrangement or understanding with a belligerent, that she shall be employed in hostilities when sold, he is guilty. He may, without violating our law, send out such a vessel so equipped, under the flag and papers of his own country, with no more force of crew than is suitable for navigation, with no right to resist search or seizure, and to take the chances of capture as contraband, or of blockade, and of a market in a belligerent port. In such case, the extent and character of the equipments is as immaterial as in the other class of cases. The intent is all. The act is open to great suspicions and abuse, and the line may often be scarcely traceable; yet the principle is clear enough. Is the intent one to prepare an article of contraband merchandize, to be sent to the market of a belligerent, subject to the chances of capture and of the market? Or, on the other hand, Is it to fit out a vessel which shall leave our port to cruise, immediately or ultimately, against the commerce of a friendly nation? The latter we are bound to prevent. The former the belligerent must prevent." The evidence in the present case leaves no rational doubt that what was done here in respect to the Meteor, was done with the intent that she should be employed in hostile operations in favor of Chili against Spain, and that what was done by her owners toward dispatching her from the United States was done in pursuance of an arrangement with the authorized agents of Chili for her sale to that Government and for her employment in hostilities against Spain, and that the case is not one of a *bona fide* commercial dealing in contraband of war. With these views, there must be a decree condemning and forfeiting the property under seizure, in accordance with the prayer of the libel."

D. S. Dickenson, S. G. Courtney, Webster & Craig for the United States; Evarts, Soutkmayd & Choate for the claimants.

UNITED STATES CIRCUIT COURT.—Nov. 26.—Before Judge NELSON.

COLLISION ON THE CHESAPEAKE BAY.

Mott Bedell agt. The Steamer Potomac.

This case came up on an appeal from a decree of the District Court in favor of the libelants. The facts in the case appear to be that on the 7th of July, 1859, about one o'clock in the morning, the schooner A. V. Bedell was sailing on Chesapeake Bay, being on a voyage from Norfolk to Alexandria. At the same time the steamer Potomac was also performing a voyage on the bay, being bound from Baltimore to Norfolk. At the time above, the vessels hove in sight of each other just below the mouth of the Rappahannock. A collision took place shortly afterward, resulting in the sinking of the schooner, for which loss the libelants claim $12,000.

Libelants allege that just before the collision took place the schooner was on a course due north; the steamer on a course due south, the course of the steamer being parallel to a little to the eastward of the schooner; that fearing the possibility of a collision if the steamer kept on its course, and not seeing any probability of its deviating from it, those on the schooner put the helm a-port, when those on the steamer immediately put their helm a-starboard, causing the steamer to run into and sink the schooner.

The main point in the answer of the claimants is that the collision was caused by the violation of the well-settled rule of navigation, "That a vessel entitled to her course must keep it," and that the schooner was so entitled, and that by altering her course, simply on the supposition that the steamer would not alter hers, was the sole cause of the collision, as the steamer's course was altered for the sole purpose of avoiding a collision, and without an anticipation or expectation that the schooner would alter her course.

After argument by Mr. E. C. Benedict for libelants and Mr. John C. Parsons for claimants, the Court took the papers, reserving its decision.

THE POLICY AND LOTTERY QUESTION—THE CONSTITUTIONALITY OF THE LAW TO BE ARGUED.

United States agt. Craft and McIntyre.

Notwithstanding the announcement by Judge Nelson that he would have no argument on the question involved in these cases, as he had decided it before, he has concluded to hear argument as to whether the indictments can be maintained. This brings up the question whether the Lottery Law (Rev.) of 1866 is constitutional. The question will be argued to-day or to-morrow.

UNITED STATES COMMISSIONER'S OFFICE.—Nov. 26. Before Commissioner OSBOUN.

AN ALLEGED ENGRAVER OF COUNTERFEIT PLATES.

United States agt. Patrick Reason.

The defendant is charged with engraving counterfeit 50-cent fractional currency plates.

The main points in the case have already appeared in our columns. The examination was resumed yesterday, and the following evidence given:

Margaret Atkinson—The prisoner resided in Yorkville in August last, in Eighty-seventh st.; have been in his house several times since last July; went to see him about plates—fifty-cent currency plates; (a fifty-cent currency plate shown witness)—have seen that before; saw it in Twenty-eighth-st.; that was about August last; had it in my possession in the latter part of August or the early part of September; took it to Reason—to his house; told him that Mr. Atkinson sent me with the plate, and he said, referring to the appearance of the plate and Gen. Spinner's face: "It appears not to be even, and his eyes are crooked;" that was all that was said at that time; went for it a few days afterward to defendant's house; he was out; went again afterward and saw Mr. and Mrs. Reason; got the fifty-cent plate; did not look at it then; looked at it when I got home, and noticed that some more work had been done on it; the additional work was a flower design about the "50" and two little things just above the printed part of the plate; have never seen that plate used for printing in Mount Vernon, Westchester County.

Cross-examined by Mr. Charles S. Spencer, Counsel for the accused—Atkinson is down stairs in this building and is my husband; he was arrested in Mount Vernon; there were three persons present when he was arrested; my husband is an engraver; my husband has been engaged in counterfeiting ever since our marriage; never told anybody that Mr. Reason was engaged in counterfeiting; my husband told me that when I gave my evidence to tell the truth about the matter; the only way I identify this plate is by the lines being nearer one another at one end of the note than they are at the other end; knew my husband was a counterfeiter at the time I married him; have seen the defendant at work at my house in Brooklyn; my husband engraves letter and card work and defendant ornamental work.

Mr. Spencer moved a dismissal of the complaint, on the ground that the witness had impeached her own character, by admitting that she had acted with and assisted the parties engaged in this counterfeiting business, and that the testimony of such a witness, without any corroborative proof, was not sufficient to hold the accused.

Assistant U. S. District Attorney Joseph Bell opposed the motion, on the ground that the witness was a disinterested party, and had no motive but to tell the truth, as she had been instructed to do by her husband; that her testimony was impartial, was shown by the nature of it, she inculpating her husband as much as she did the defendant.

The Commissioner decided to commit the accused to await the action of the Grand Jury, but having reduced the amount of bail from $5,000 to $1,500, the defendant's brother became his surety, and the defendant departed, accompanied by a large number of his friends.

Before Commissioner BETTS.

AN ALLEGED LARCENY AT SEA.

United States agt. Richard Fitzgerald.

In this case, reported in yesterday's TRIBUNE, and in which the defendant is charged with stealing clothing from Charles Anderson, a fellow seaman on the steamer Great Western, the testimony of three seamen belonging to the Great Western was taken yesterday, and the proof of defendant's guilt not being sufficient, he was discharged.

COURT OF COMMON PLEAS—Nov. 26.—Before Judge READY.

ACTION ON A COVENANT.

F. W. Beck et al. agt. Michael Allison.

This was an action brought by the plaintiff to compel the specific performance of a covenant. From the evidence it appears that the plaintiff was the assignor of the lessee of the premises No. 44 Vesey-st. for a period of two years from February, 1864, with the privilege of renewing for three years, the lease containing a covenant, on the part of the lessor, to keep the premises in repair. On the 31st of March last, the premises were destroyed by fire. A reasonable time having elapsed, and the premises not being repaired, the plaintiff brings this action either to compel the defendant to repair the premises forthwith, or to be allowed to repair them at his own expense, and deduct the cost from the rent. Case still on.

Bowdoin, Larocque & Barlow for plaintiffs; Benedict & Boardman for defendants.

Before Judge CARDOZO.

The jury in the case of Pine agt. Ormsbee, which it will be remembered was an action to compel an accounting by the defendant, returned a verdict this morning, finding that a partnership existed between the parties during the time specified.

COURT CALENDARS—This DAY.

SUPREME COURT—CIRCUIT.

PART I—Held by J. F. BARNARD, J.—Court opens at 10 o'clock a. m.

Nos.	Nos.
878—Nichols agt. Kelly.	2229—Warring agt. The Ins. Fire Insurance Co.
919—Same agt. Same.	1905—Hartman agt. The N. Y. Sanitary and Chemical Marine Co.
1065—Hutchinson agt. Allen.	2229—Nik agt. Gage.
743—Chamberlain agt. Salisbury.	2743—Meade agt. Kerr.
932—Benton agt. Meyers.	1057—Carey agt. Schuiler.
1075—Kinne agt. Ford.	1895—Stephens agt. Donaldson.
2125—Bernhard agt. Hanman.	863—Hartley agt. James.
3071—Genet agt. Howland.	2453—Ward agt. Dikon.
1571—Foster agt. Willard.	
955—Burke agt. Kelly.	
1519—De Banco agt. Eastman.	
2391—Wyman agt. Birch.	

PART II—Held by MULLEN, J.—Court opens at 10 o'clock a. m.

Nos.	Nos.
604—Wiggin agt. Russell.	1274—Schaugh agt. Mechaw.
2540—Allen agt. Kennedy.	539—Man. Oil Co. agt. The Cam. & Amboy R. R. Co.
342—Bennett agt. Ross.	1582—Carpenter agt. Jaudon.
818—Tyler agt. Ford.	264—Finney agt. Saxton.
2166—Hirchard agt. Smith.	1502—Millns agt. Sotter.
312—Wright agt. Lynch, Sheriff.	1504—Bentley agt. Pratt.
334—Rosenthal agt. Lynch.	1512—Wembergh agt. Cristator.
1926—McCarty agt. Pettigrew.	1522—Bridge agt. Bayre.
1964—Sickel agt. Waterhouse.	1036—Fant agt. Ingersoll.
1894—Klaber agt. Carpenter.	
552—White agt. McClean.	

SUPREME COURT—SPECIAL TERM.

Held by POTTER, J., at No. 73 Duane-st.—Court opens at 10 o'clock a. m.—Demurrers.

Nos.	Nos.
11—Taylor agt. The Quicksilver Mining Co.	18—Lockwood agt. Schoonmell.
15—Lockwood agt. Wood.	20—Lotte agt. Osgood.
19—McIntyre agt. Fitch.	23—Dunham agt. Gebhard.
	26—Osgood agt. Given.

SUPREME COURT—CHAMBERS.

Held by SUTHERLAND, J.—Court opens at 10 o'clock a. m.—Reserved cause.

Nos.	Nos.
28—Gardiner agt. Taylor.	88—In re. the Russell File Co.
58—Read agt. Read.	96—Lincoln agt. Lincoln.
60—Berrien agt. Patterson.	The General call is No. 101—Morantage agt. Conway.
69—Butler agt. Bingham.	
94½—Hewitt agt. B. R. Pet. Co.	

COURT OF COMMON PLEAS—TRIAL TERM.

PARTS I and II.—In both branches of this Court there are causes on trial. The calendar for to-day remains (as published yesterday) unchanged.

MARINE COURT.

Held by ALKER, J.—Court opens at 10 o'clock a. m.

Nos.	Nos.
212—Salomon agt. Salisbury F. Gas Co.	230—Richardson agt. Roberts.
209—Mitchell agt. Van Name.	233—Ramsay agt. Waters.
218—Purdue agt. Devoe.	234—Brubasher agt. Schen.
221—Crook agt. Otis.	235A—McAtee agt. Higgins.
223—Gieddell agt. Behrling.	236—Murray agt. Rime.
225—Solomon agt. McMakin.	238—Hertz agt. Hertz.
226—Scelts agt Wilker.	239—Purdy agt. Mason.
227—Smith agt. Same.	240—Hunter agt. Reese.
228—Honnetta agt. Ross.	244—Warring agt. Hunt.
229—Chamberlain agt. Reary.	245—Moore agt. Ellis.

BASE BALL.

THE MEETING OF THE COMMITTEE ON RULES.

The Committee met at the Gotham Cottage, No. 298 Bowery, on Wednesday, Nov. 21, for the first time this year, to consider the suggestions resulting from the past season's experience. The laws and rules of the Association need some amendment, as the events of the last season clearly demonstrated, and the Committee are unanimous in their determination to correct the abuses which threaten to impair our National game. The time for making charges before the Judiciary Committee will be extended from ten to thirty days, the "hiring" principle will be corrected, and the facilities for changing from one Club to another much abridged. The following suggestions, among others, for amendment to the rules have been made to the Committee:

To add to section 7, after the word "balk," on the last line, the words as follows: "The ball shall be considered as jerked, in the meaning of the rule, if the pitcher's arm touches his body when it is swung forward to deliver the ball. And it shall also be regarded as a throw if the arm be bent outward at an angle from the body, or straight from the shoulder in the act of swinging forward to deliver."

To add to section 18, after the words "catching it," on the last line, the words as follows: "The ball shall be considered as fairly caught, if it be held from the hand or person of a player by another player before it has touched the ground."

To strike out from section 19 the words "He shall be considered the striker until he has made the first base," inasmuch as this sentence conflicts with the rule, which regards the striker as a "player running the bases" the moment he hits a fair ball.

To amend section 29 so as to extend the time from 30 to 60 or 90 days to prevent secession in the clubs.

To include what are called "balls" and balls delivered with a balk in the definition of "dead balls."

To make an amendment to the effect that when a ball is stopped by outsiders it shall not be considered as "settled in the hands of the pitcher," unless he be standing in the lines of his position at the time. The rule as at present worded can be nullified by the pitcher running to a base to take the ball.

The welfare of the game and the preservation of its national character, requires that some steps should be taken to bring the sectional associations into coöperation with the parent association. There are now existing the New-England National Association, the Pennsylvania Association and the Northwestern Association, and there will soon be also a Southern National Association. If these can be brought under the influence and control of the playing rules of the National Association, it will conduce much to the prosperity of the game throughout the country. To do this, it is necessary to receive into the regular National Convention delegates from these branch organizations, and recognizing them to receive their recognition and coöperation.

The Committee meets again at the same place on next Friday evening at 7 o'clock, when it is hoped that in addition to the others, the absentees at the last meeting will also be present.

THE ANDREWS GIFT TO THE UNIVERSITY OF NEW-YORK.—It is announced that the donation of $100,000 recently made to the University of New-York by Mr. Loring Andrews is to be appropriated as follows: For a Professorship of Logic, Intellectual and Moral Sciences, $25,000; for a Professorship of the Evidence of Revealed Religion and Evangelical Theology, $25,000; to complete a Greek Professorship, $15,000; for Professorship of Political Science, embracing political economy, municipal, constitutional and international law, $15,000; for medals and premiums to be awarded for proficiency in various branches, the income of $10,000; for apparatus, to be equally divided between the chemical and philosophical departments, the income of $10,000.

NEW AND CONVENIENT SYSTEM.—The Mercantile Library Association has made liberal arrangements for the prompt delivery of books to those patrons who live too far from the Library Rooms to conveniently visit them personally. Twenty delivery stamps are sold for $1, to be returned, one at a time, with the name of the book required, through the Post-Office, or via the "orderboxes" conveniently located.

THE MONEY MARKET

SALES AT THE STOCK EXCHANGE.

U S 6s 1881 Coupon.		Cleve. & Tol. S F B		Erie	
1,000	112¾	2,000	103	50	72½
U S 5s 74 Coup		Union Bank		600	72½
10,000	106	10	122	Hudson River	
U S 6s 5-20 Reg '52		American Ex Bk		100	120½
1,000	107	5	114	Reading	
U S 6s, 5-20 Coup '52		Manhattan Bank		700	113¾
4,000	108¼	18	135