METROPOLITAN WORSHIP.

UNION OF THE DIVINE AND HUMAN.

The Rev. Henry Ward Beecher at Plymouth Church (Congregational).

The crowds at Mr. Beecher's church, though diminished in numbers from those that thronged to welcome his return from Summer relaxation, still fill the church and many go away unable to find even standing room. The mission of the police officers, however, so far as this church is concerned, is for the moment gone, and they no longer stand at the outer gate. Mr. Beecher's sermon yesterday morning was devoted to a description of a union that may and does often exist between the divine and the human soul, with commentaries showing the entire possibility of such union, unexplainable as it may be in its conditions, the effect of this sympathy upon the human disposition, and the signs and tokens of such divine inspiration. His text was taken from Matthew xviii., 18 20, and from John xiv., 16-17. He began in this way:

There is a latent assumption running through the teaching of Christ, and more particularly as it is manifested by John, that the forces, the opportunities, the instruments of a physical or immortal life were inadequate for the expression of the highest life and the noblest things; and the constant interchange of language on the part of the Savior, the rising out of obvious truth into seeming mysticism, the coming again from this mystic and obscure utterance back to common life, this playing back and forth, is just what we would have expected if to the consciousness of the Savior the highest spiritual life were not representable; for there was a life where truth and faculty worked together differently from what they do here, and for the representation of which only the most partial analogies could be found in this mortal life. And if there be any one truth that runs through the New Testament, I think it is this: the absolute superiority of that life which goes on in the bosom of God, in the bosom of spiritual beings, to which we aspire and into which we come. When Jesus died, was buried and raised again, he declared to His disciples that it was expedient for them that He should go forth from them; that it was impossible that He should be as much to them by juxtaposition as by spiritual unity; that while He was in the flesh they were in the flesh, no matter how inherring the relations might be. When Jesus went from them it was not by extinguishment. He still would live. "And to I will be with you always, even to the end of the world." Separation was to result in a higher union, transcending all that is known on earth.

What was this declaration of union? Did it belong simply to the band of Apostles, or did it belong to all Christians? Is it universal and may it be appropriated by every soul that can rise up into the conditions of it? The Apostles were designed to be witnesses in the first instance of the great truths which had passed under their eyes. They had the authoritative power of instruction, but beyond this they had no special prerogative. Every man has a right to appropriate to himself that which Christ promised to the Apostles.

Is there, then, such a thing as the inhering of the Divine and human soul? Are we taught by the pictorial terms and analogies that there is such a thing as concentric life? It is laid down as an invariable maxim that we can only know of the Divine in so far as we have some likelihood in ourselves. In the attempt to comprehend the Divine forms of higher life we are attempting to comprehend that part of the Divine life of which the types or germ forms in us are the feeblest and the least comprehended. It is very certain that there are very many parts of the experience of men that are transcendent and absolutely elude analysis. No person of any considerable magnitude of head and brain but knows he has been brought under pressure and incitements that exalt the power of thought and vision for which he can give no explanation. There are moods into which men are exalted which they remember vaguely, but cannot explain. Have there not been hours when in your friendships by some conjunction of circumstances everything that was best in you was stimulated and burst out toward the objects of affection? Let science pursue her own round. We recognize the utility and duty of it. All I protest against is this: Science shall not undertake to say, "you can," or, "you cannot," in regard to the higher experiences. Every man has his own legislative necessity. These higher moods make their own rules.

Mr. Beecher also considered the more important part of this question—the signs and effects of such union, showing that one of the first tokens of the indwelling divine nature in man is to be found in a profound sense of humility which it invariably works, while at the same time this does not imply degradation or meanness, but a sense of elevation of personal dignity, which is immeasurably enhanced by the touch of the Divine Spirit in the soul of man. With this sense comes also inspiration and courage.

A COMPREHENSIVE PRAYER.

The Rev. R. R. MacArthur, at Calvary Baptist Church.

The Rev. R. S. MacArthur preached at the Calvary Baptist Church in Twenty-third-st., yesterday morning. He took for his text Psalms xxxvi., 11: "Unite my heart to fear Thy name." This, he said, is a short but comprehensive prayer. Uttered long ago, it is appropriate still. Beautiful in thought, it is also poetic in form. Like a strain of sweet music it has lingered for years in my mind. It has often molded my thinking and controlled my living. First, let us look at its meaning. Careless readers may fail to catch its significance. There is here a recognition of the truth that men ought to love God with all the heart, and also a recognition of the sad fact that men do not so love Him. The idea is that our hearts are distracted, that our affections are set upon various objects, and the prayer is that they may be united in loving and fearing God. The Apostle James tells us that "a double-minded man is unstable in all his ways." By double-minded he means a man who has two souls, two wills, two hearts—one for God and one for the world. In the 12th Psalm we have again the phrase "a double heart." The literal rendering of the Hebrew is "with a heart and a heart." So in another place we read of "fifty thousand who could keep rank. They were not of double heart." The meaning here, too, is "who were not of a heart and a heart." These soldiers of David had but one purpose—the honor of their king and the triumph of their arms. The man with "a heart and a heart" strives to serve God and Mammon. Such service is impossible. The heart was made by God, and for Him. As an Æolian harp gives forth melody when the wind passes through it, so the heart should breathe out its responses of love and obedience when the breath of God comes to it in entreaty or command. But the sad truth must be acknowledged—the heart is out of tune. An unskillful or a malicious player has dared to interfere with God's instrument. Some of its chords are drawn too tightly; some are slackened unduly; some are broken entirely. Now, if by the strings of the instrument we understand the faculties of the soul, the idea of the text will appear plain. By these faculties we mean memory, reason, taste, imagination, conscience. Let an unconverted man examine these, and he will recognize the necessity of offering the prayer, "Unite my heart to fear Thy name." How is it with memory? Do you prefer to remember those truths which would lead you to love and obey God? or do you not remember the vile oath, the impure thought, and the devilish suggestion longer than the sermon, the hymn, or the prayer? Question your reason. What is its testimony? It too often perverts the truth, making the worse appear the better reason. So of taste and imagination in literature, art, and religion. The bad is selected, the good is discarded. Amid these perverted faculties conscience stands like a moral policeman. It is true that some men have learned the secret of city rogues; they either drug or fee the officers. Then their hearts may be for a time united; but it is to union with death. There may for a little time be peace, but it is the peace of the grave. There may be a compact, but it is a league with hell. Conscience lifts its warning voice and summons all the other faculties to lay down their weapons, cease strife, and march in line to the throne of the King, seeking His gracious pardon. Rebellion on our part does not abrogate the claims of Christ. He should sit on the throne of the heart. Conscience thunders "yes;" pride and passion say, "no." Such is the conflict in every unrenewed heart. Is the picture correct? Do you feel well-nigh helpless in this warfare? Then put up the prayer, "Unite my heart to fear Thy name," and by a blessed experience you will learn the meaning of this text.

Secondly, we shall speak of the reasons for offering this prayer. We mention three, and begin with the lowest—a proper regard for our own happiness would lead us so to pray. God has given each of us the instinct of self-love, and the desire to seek our own happiness. He takes no pleasure in our sufferings, either here or hereafter. Now, no man can be happy while his desires and affections are at war with one another. While Bunyan remained in the City of Destruction, after he became aware that it was such a city, he was miserable indeed. Actual imprisonment of the body in Bedford jail was better far than this awful destruction of the mind. When God burned into the heart of Carey a sense of his duty in preaching the gospel to the heathen, it became impossible for him to be happy until he did that duty. Good, pious conservation might say to him, "Young man, sit down; if the Lord wants to convert the heathen he will do it without your help." But Carey's desire was as fire in his bones; with such feelings a desire for his own happiness, if there were no higher motive, would compel him to go. For it is always true that in the end, the path of duty is the path of joy. Are there not some present now who are the victims of this distraction of thought—dissatisfied with the world, but not reconciled to God through Christ? Now, let me appeal for once to your self-love. It is a low motive, I know; but let even that be the means of urging you to decide for God. Give up the foolish, the wicked contest. Ground your arms. Touch the outstretched scepter of mercy. Acquaint yourselves now with God, and be forever at peace. The second reason why you should thus pray is the desire to be useful in Christ's service. It is a trite remark among business and professional men, that to be eminently successful in any pursuit a man's heart must be in it. A half-hearted man is a failure anywhere and everywhere. You would not give much for a young man in your employ who had no interest in your prosperity, and no enthusiasm in his profession. If you expected him ever to accomplish anything for himself, and ever to be worth anything to you, you would say to him, "Young man, unite your heart in my work." It has recently been discovered that the clerks in one of the Stock Exchanges in London were carrying on among themselves, and for their own interests, separate transactions. They had their own books, officers, and times and places of meeting. The rumor is that they are all to be discharged. They were half-hearted in the service of their employers. They were drawn hither by self-interest, and thither by the interests of their employers. Such clerks business men do not want in their service. Neither will God share the heart with man or devil. A bank President was congratulated on his success; he replied that his secret was in taking his bank to bed with him. We all understand his meaning—his whole heart was in his work. We have referred to David's army—the "fifty thousand who were not of a heart and a heart." This is a proud eulogy. They had no personal ends to serve. They believed in God; they rejoiced in David; they were determined to cleave a way for him to the throne. Their hearts were united. Let love of liberty unite the hearts of Englishmen; put the invincible Cromwell at their head, and the ends of the earth shall shake under their mighty tread. Let love of glory inflame the minds and unite the hearts of France, and Napoleon will illumine the darkness of the night with the fires of battle and cleave the sea of mountain with the smoke of conflict. I might stir your enthusiasm by enumerating victories nearer home. Some of you of the North, and some of you of the South, won victories on the gory field. This was the secret of Paul's life, "This one thing I do." Every faculty of his soul was brought into subjection to the will of Christ. This is the secret of the success of all the men whose names are immortal.

It is with churches as with individuals. Fifty men, loyal to God and true to the souls of men, working with one heart, will accomplish more than 300 average church members. With such a force behind him, and God above him, a pastor might soon take this great city for Christ. O for the wisdom of the heroic Gideon! Let the warcry again go out as at the battle of Jegreel, by the "spring of trembling"—"Whosoever is fearful and afraid, let him return and depart early from Mount Gilead." What if there should return of the people "twenty and two thousand!" Better ten thousand with one heart than thirty-two thousand "with a heart and a heart." The cowards are now gone, but "the people are yet too many." Another test must be applied. The self-indulgent, as well as the cowardly, must be removed. Those who rushed headlong to quench their thirst are therefore rejected; but those who exercised self-restraint, marching to battle while they lapped the water, were selected. Poor Gideon! All are gone but three hundred. Happy Gideon! For the Lord said, "By the three hundred men that lapped will I save you, and deliver the Midianites into thine hand; and let all the other people go, every man unto his place. The cry goes out, "The sword of the Lord and of Gideon." The enemy is overthrown; terrible is the slaughter. And over the Jordan went Gideon and his brave three hundred, "faint yet pursuing." Three hundred men with united hearts were better than thirty-two thousand "with a heart and a heart." The Church needs the lesson. Her half-hearted disciples hinder her progress. They are the vampires that suck her life blood, while they lull her to sleep with their fanning wing. These principles apply to denominational life. Men who are half-hearted in holding the characteristic truths of their denomination injure its progress. The Episcopal denomination is stronger because of the absence of the party that went out with Bishop Cummins than it could possibly be with their presence. So soon as that party was not of them, just so soon should they go out from them. There is a law of denominational gravitation which, like that of natural gravitation, must be obeyed or the most injurious consequences will follow. The events of the past few weeks in our own denomination show the importance of this law. Men should be "let go that they may join their own company." Those who are true will remain. They will march on to victory. Perhaps sometimes "faint," but always "pursuing." As faithful disciples of a greater than Gideon, they will go on "conquering and to conquer." As Christians, in your denominational and individual life, you will be happy in yourselves and useful to others in proportion as you daily offer this prayer: "Unite my heart to fear Thy name." Do not attempt to serve God and at the same time love yourselves supremely. Do not attempt to cherish the Christian's hope while you refuse to render the Christian's obedience. Do not strive to be a Christian and refuse publicly to confess Christ in his appointed ordinance of baptism. Be true to yourselves and to your God, and you will be both happy and useful. The last reason for offering this prayer is that the honor and command of God demand that we give Him a united heart. These three reasons, you will perceive, are related. The last includes the others. For if we give Christ our united heart, all other blessings will follow. God made us to love Him with the whole heart. That command is a summary of all commands. The heart was made to find its highest joy only when reposing on the bosom of its God. Every thought, emotion, and desire should be in subjection to the will of Christ. Such a state of feeling is the pledge and foretaste of Heaven. We speak of Heaven as a place of music, because music is our highest conception of harmony. In proportion as this divine harmony is in the soul now, in that proportion is Heaven in the soul now. Gaze then upon the crucified One. "Look and live." So lovely and loving is Jesus that even those of us who gave Him our hearts in the morning of life and the dew of youth can say in the simple, render, and emotive utterances of Augustine: "Too late I loved Thee, O Thou Beauty of ancient days, yet ever new! too late I loved Thee!" With a greater than Augustine we can pray, "Unite my heart to fear Thy name," and with a greater than David, "Not my will, but Thine be done."

THE FESTIVAL OF ALL SOULS.

The Rev. H. R. Nye at the Church of Our Father (Universalist).

The Rev. H. R. Nye, at the Church of Our Father (First Universalist), Brooklyn, preached a sermon yesterday morning to a large and attentive congregation from Ezekiel xviii., 4: "Behold, all souls are mine." The ladies had decorated the church with Autumn leaves, flowers, vines, and ferns. Over the pulpit was an arch composed of the letters which make the words of the text, covered with varied leaves from the woods; the pillars were beautifully wreathed with vines, while the platform and the space in front of the pulpit were a mass of leaves and flowers. In the Roman Catholic Church, the minister said, two great festivals were observed every year which may be fitly celebrated by all who bow in the name of Christ. When Boniface IV. became Pope, he begged of the Emperor of Rome a gift, the gift of the Pantheon, a splendid old temple, dedicated to all the gods. The Pope's request was granted, and the magnificent structure was consecrated to Mary and all who had died martyrs in the Christian cause. Two hundred years later than this, Pope Gregory designated Nov. 1 the day when, according to the traditions, the old Pantheon was consecrated exclusively to Christian service as a festival for all saints; and in the churches of the West the day has been so kept until now—a festival, intended to hallow the memories of all who since Stephen, the first martyr, was stoned, have witnessed in death a good confession and triumphantly passed into the eternal kingdom above. However we may differ in the origin of this feast, it suggests one grand idea, the unity of Christ's church, the spiritual unity of all. At such times we should look beyond ourselves and our fold and greet as brothers all who are working in the mighty battle now raging for the conquest of evil and the spiritual redemption of the world. There is a Church brotherhood, the Christian brotherhood we are bound to recognize, and kneeling under the shadow of the Cross as disciples of one Master, in the Pantheon of One Heart, all Christian men may joyfully keep the festival of All Saints. The second of these festivals falls upon Nov. 2, and is called the Festival of All Souls—a festival for the happy and a festival for the sad, for the wretched and the blest; a festival for all human souls. It is fitting that the Universalist Church should perpetually observe this festival, for our church affirms and maintains the love of God to all souls, and that none have lived so low in evil but what God's boundless love would reach and bless and save. The preacher spoke of the grand idea which distinguished this faith from that most generally accepted by the world, branding every narrow and pitiless creed which limits the love of God to the 70 years of man's mortal life as blasphemous as well as false, and showed how it opens the eye of faith to the other mansions of the Father's house where love's redeeming work goes on, and cannot cease until all God's lost children are found and brought home. God did not judge men from their brief life here, but of their capacities in the eternities. He allnded to the earnest desire of all to know God's truth, but that our thoughts are limited to finite perceptions of those truths. By creation we are God's, and "It is He that hath made us and not we ourselves," and that we are to regard God as the Father of all souls. But the infinity of God should not cast us down nor change our loving trust into slavish cringing fear, for a hail stone, a snow drop, an Autumn leaf, a Spring flower, is just as perfect in its formation as a world. Man is God's spiritual child, a partaker of his nature, an heir of his life. David could say, "The Lord is my Shepherd," and Jesus taught us to say, "Our Father."

The world is slow to grasp this thought of God as an Universal Father. Good men are God's children in character and aims, as evil men are unlike God in character, but their alienation from him does not alienate God from them. The preacher discoursed at length upon the love of God working in the hearts of sinful men, until that day when He should be "All in All."

HUDSON COUTTY (N. J.) IMPROVEMENTS.

PROPERTY OWNERS IN HOBOKEN, WEEHAWKEN, ETC., VOTING ON A WATER SUPPLY MEASURE—A LARGE SEWER TO BE CONSTRUCTED IN WEEHAWKEN.

An important public measure, involving the question of the water supply of Hoboken, West Hoboken, Weehawken, Guttenberg and Union, is now being voted on by the property owners of those places. Considerable trouble has been experienced by these towns in regard to their relations with Jersey City for many years. The authorities of the latter city have been anxious to have the other towns annexed—a feeling which the latter have not reciprocated. The valuation of property in Jersey City amounts to about $60,000,000. The property valuations in Hoboken, Weehawken, West Hoboken, and Union amount respectively to $15,000,000, $1,500,000, $2,500,000, and $2,000,000, making a total of about $21,000,000. It will be seen, therefore, that in the event of annexation the towns would be swallowed up, and their representation be exceedingly small. As the expensive way in which it is alleged the affairs of Jersey City are conducted does not meet their approval, they are decidedly unwilling to enter into a consumation with the city in which their power would be so slight. Hoboken's water supply is, and has been since 1854, at the mercy of Jersey City, the water being furnished from the works of the latter. It is said that Hoboken consumers have been charged about 20 per cent more for their supply than have the residents of Jersey City. The townships of West Hoboken, Weehawken, Guttenberg, and Union have had no regular supply from any place. Manufacturing and other industries have, however, been greatly increased of late in Hoboken and the townships, and the question of a suitable and economical water supply has received much attention. The question of suitableness has been raised because the water supply of Jersey City has been found to be getting too impure for use. It is proposed to have a new water supply for Jersey City, obtained from Lake Hopatcong and the Morris Canal. But this scheme is looked on by many engineers as expensive and impracticable, and is generally regarded as a job in the interests of the canal people, and the four northern towns are not willing to be dragged into any arrangement which does not suit them. Accordingly a general board representing the townships was formed in 1873, with a view to ascertain the feasibility and cost of obtaining an independent supply of water for the towns. This Board made a report to the effect that such a supply could be obtained from the Hackensack River, an analysis of the water having been found satisfactory. In consequence of this report it was resolved to obtain the views in the matter of the property-owners of Hoboken, West Hoboken, Guttenberg, Weehawken, and Union, and the votes of the people are now being obtained in those places. The election began on Oct. 15 and will end on Nov. 6. If a majority are in favor the Board will be established as a permanent institution to represent and protect the towns in the matter of the water supply. The Board in such an event will have an act drawn and submitted to the people about the end of December, and if approved it will be sent to the Legislature. The Board will have full power to decide whether the towns shall have an independent supply or not. The plans and detailed estimates for obtaining water for the towns from the Hackensack River were submitted and are now on file in the Water Commissioner's Office, City Hall, Hoboken. The cost is estimated at $2,800,000.

The construction of a large sewer and macadamized road in the towns of Weehawken and Union will be begun on Monday. The sewer will be 1½ miles in length, and will be the outlet for the whole ridge in the northern part of Hudson County, including the towns of Weehawken, West Hoboken, Union, and Guttenberg. It begins about the center of the town of Union, and runs in a southerly direction under the Bulls Ferry road for about a mile, and then branches off and runs into the Hudson River near the Erie oil docks. The sewer will be of brick, and will have a circular aperture at the outlet of 6 feet in diameter, while its smallest bore will be 3 feet 9 inches by 2 feet 6 inches. The road begins at the northern boundary of Hoboken and runs through the townships of Weehawken and Union. It will be 80 feet wide and about two miles long. The cost of the sewer and road will be about $175,000.

THE COURTS.

GENERAL TERM OPINIONS.

THE DISPUTE BETWEEN THE HARBOR MASTERS AND THE DOCK COMMISSIONERS—A BANK PRESIDENT REBUKED—THE PUBLIC PARADE GROUND.

Among the decisions announced by the General Term of the Supreme Court on Saturday was one deciding the old dispute between the Dock Commissioners and the Harbor Masters. Charles H. Mallory & Co. erected a shed on pier No. 20 East River, to be used in connection with their steamer plying between this port and Texas, permission having been given by the Dock Commissioners. The Harbor Master interfered, claiming that they had no right to continue the use of this shed, and from that time there arose a suit which, after pending a long time in the courts, finally reached the Supreme Court, General Term. It came up on an appeal from a judgment rendered at Special Term by Judge Brady, restraining defendants from maintaining a shed on Pier No. 20, East River, and from interfering with the free use of the pier by the public, as the same was used before the shed was placed there; also from an order denying a motion made by defendants to refer back the cause to the Judge who tried it, with directions to make a specific finding "that numerous steam transportation lines running vessels between New-York and other ports, both domestic and foreign, have for many years maintained upon piers occupied by them similar sheds, without disturbance from the public authorities." The court gives decision through Judge Lawrence, holding that if the Dock Commissioners permit illegal structures elsewhere, that is no reason why this particular shed should be allowed, and the order of Judge Brady at Special Term is confirmed.

A receiver was appointed in 1873 under the Currency act to take charge of the affair of the National Bank of the Commonwealth, which had become insolvent, and while in his hands process was served on the President of the bank in a suit brought by the Security Bank of this city to recover money claimed to be due. Judgment was rendered by default for $50,000. Motions to open the default were denied, and on the appeal to the General Term Judge Daniels, delivering the opinion of the Court, says of the action of George Ellis, the President, through whose inattention to the service of the process it is said the default came: "He, to use his own language concerning his singular and extraordinary conduct following the service, supposing that his connection with the Court ceased by the appointment of a receiver, took no notice of any paper that was served upon him by an officer thereof, and did not do so in regard to the summons herein, nor did he inform said receiver of said service. This is the sworn statement of the defendant's President, and it thus completely describes his utter want of moral as well as official sense of accountability as to dispense with all further attempts at characterizing his conduct.

On the point whether the Judge at Chambers had no right to open the judgment (the Court says that, while the order (denying the motion to open) was a discretionary one, it was an order affecting a substantial right, and was, therefore, appealable. In conclusion, the judgment is set aside, and the defendant is allowed ten days in which to file an answer to the complaint.

After the Commissioners of Public Parks abandoned their project of providing a public parade ground at the upper end of the Island, and Commissioners of Estimate and Assessments having been appointed, the property-owners moved for an order compelling the Commissioners of Estimate and Assessment to go on with the work, which was denied, and appeal was taken. The General Term, through Judge Daniels, confirms the order of the Court below, holding that, as the appointment of Commissioners of Estimate and Assessment did not deprive the owners of title or possession, they had no substantial right to come in; that the power conferred on the Commissioners of Parks is as broad as that conferred on the Mayor, and included the power of discontinuing in such a case when the property has not been actually taken possession of.

THE COURTS FOR NOVEMBER.

The General Term of the Supreme Court will not meet again till Dec. 23. There will be a Special Term this month, and the calendar shows a number of important cases. Judge Lawrence will preside. The Chambers will be held by Judge Donohue. Judge Brady will hold Part 2, Circuit, and Judge Van Vorst, Part 3, Circuit. The Court of Oyer and Terminer will be presided over by Judge Barrett, the first time he has held this Court. Scannell's case is on the calendar. There is also an unusual number of other cases on the calendar, giving promise of a busy month.

In the Superior Court there are heavy calendars in all the branches of the Court. Judges Monell, Sedgwick and Spier will hold the General Term. There will be no Part 1, Circuit, owing to Judge Van Vorst's assignment to the Supreme Court. Judge Curtis will hold Part 2, Circuit, and Judge Freedman, Chambers. On Monday the Judges holding General Term for the past month will meet to give decisions of cases argued during the past term, and immediately afterward the Judges assigned for this month will enter on their judicial labors. In all the different branches of the Court of Common Pleas there are heavy calendars. The Judges assigned for holding General Term are Chief Justice Daly and Judges J. F. Daly and Lowe. Judge Robinson will preside at Part 1, Trial Term, and Judge Larremore at Chambers.

A SHORT SEARCH FOR PROPERTY.

The case of Thomas C. Clark against John Flanagan and Jacob A. Gross (the first a Civil Justice, and the latter a State Senator from this city), as attorneys-at-law, for concealing from the plaintiff the fact that a certain mortgage, accrued interest, and taxes were liens upon property, the title to which plaintiff employed and paid the defendants to search, was tried before Chief-Justice Monell in the Superior Court on Oct. 28 and 29. Upon the assurances of the defendants that the title was as agreed upon between plaintiff and his grantor, the transaction was completed. Soon afterward the plaintiff was called upon to pay a mortgage upon a portion of the property, and did pay about $1,000, and subsequently paid several hundred dollars of taxes and assessments. The defendents claimed that they were only employed to search from June to November, 1869; that the mortgage was given prior to June; that they gave the plaintiff notice of the mortgage, and, also, that the plaintiff closed the title in defiance of their instructions. On the trial one of the defendant's clerks on cross examination disclosed the fact that he filed the deeds to the plaintiff in the Register's office, and that in truth the title passed in the defendant's office. The defendant Gross and two of his clerks swore positively to the truth of the first and second defenses, as did the plaintiff's grantor, an old client of the defendants; but the jury seemed to doubt that a sane man would be content with a search of property worth $87,000 extending back the brief period of six month, and found for the plaintiff for the full amount. Henry Cooper for plaintiff, A. G. Cropsey for defendants.

CIVIL NOTES.

In the United States Circuit Court, on Saturday, in the case of the Milwaukee and St. Paul Railroad Company against Aaron S. Bright, heretofore fully reported in THE TRIBUNE, Judge Blatchford decided that the Clerk of the Court must issue subpenas, returnable to-day, and that they should have the same effect as if issued upon the filing of the defendant's amended answer and cross bill.

On the argument in the case of Gledhill against Siney in the General Term of the Marine Court recently, the appellant's counsel observed that the case had been tried in July, 1874; that no trial term had been designated for that month by all the Judges, and on that account the judgment was unauthorized. The Court held that trials in July and August, 1874, were legal and judgments rendered therein valid—a conclusion to which, it was stated, five of the Judges had arrived after a full examination of the question.

In the United States District Court on Saturday, in the matter of John H. H. Cushman, a bankrupt, Judge Blatchford refused a discharge in bankruptcy on the following grounds: The bankrupt omitted from his schedule certain debts which he asserts were outlawed, on the ground that they were outlawed, and the creditors holding such debts have had no notice of the bankruptcy proceedings, the bankrupt has not conformed to all the requirements of the act. Therefore, his discharge cannot be granted, and the case must be referred back to the Register for such further action as he may take on the application of either party to him.

CRIMINAL NOTES.

At the Essex Market Police Court yesterday Justice Kilbreth committed John Finan and Patrick Malone in default of $2,000 bail each, charged with having yesterday morning broken into the store of Isidore Shaw at No. 156 Avenue A, and stolen shoes valued at $64.

At the Jefferson Market Police Court yesterday, before Justice Smith, James Barry was held in $1,000 for pleading the bonded of Henry Smigler of No. 149 East Sixteenth-st. of $22, while he was riding on a Third Avenue car on Saturday night. An accomplice who attempted to steal his watch made his escape.... Lizzie Stewart was held in $1,000 bail for picking the pocket of Charles C. Lemens of No. 12 Thompson-st. of $17, in a house at No. 223 Wooster-st.... Cornelia Welsh was held in $700 for assaulting her husband, James Welsh, with a knife, during a quarrel between them at their residence, at No. 120 King-st., on Saturday night.... William White was held in $1,500 bail for breaking into the house of Herman B. Raver, at No. 117 West Twenty-sixth-st., on Saturday night, and attempting to steal wearing apparel and jewelry valued at $50.... Bartolomeo Brizzolara of No. 240 Spring-st. was held in $1,000 bail for carrying a large dirk.... James Duffy was held in $1,000 bail for picking the pocket of John O'Brien of No. 225 Madison-st. of $5, while they were in a liquor saloon in Bleecker-st. near Wooster.

DECISIONS—OCT. 31.

Supreme Court—Chambers—By Judge Lawrence.—Giles agt. Downey.—Memorandum for counsel. Smith agt. Meisick.—Order granted.

By Judge Barrett.—Mesmintier agt. Mesmintier; Stewart agt. Richards; Citizens' National Bank of Waterbury agt. Hamill.—Memorandums. In the matter of Witmark.—The application must be denied. Memorandum. In the matter of Brinsmade.—I do think that the provisions of the Revised Statutes are repelled by the section of the code in question. Effect can be given to both without imparting either. Writ dismissed without either.

Superior Court—Special Term—By Judge Curtis.—Garley et al. agt. Malsby.—Motion again denied without prejudice to a renewal on additional proofs. See opinion. Reilly agt. Peyment et al.—Judgment of foreclosure and sale ordered. Warner agt. Anderson.—Order granted for reexamination of the defendants.

CALENDARS—THIS DAY.

SUPREME COURT—GENERAL TERM. Adjourned until Dec. 23, 1874.

CHAMBERS. First Monday motion calendar.

CIRCUIT, PART I. Adjourned for the Term.

PART II.—BRADY, J.

2704..Pittsgerald, adm'r, agt. National S. S. Co.
384..Ford agt. Kelly, Sheriff.
2300..Mas, rec'r, agt. Conklin.
——..The People of the State of N. Y. agt. DeCamp et al.
2832..MacMahon agt. Coon. Life Ins. Co.
2482..Bliven et al. agt. Mallory.
2558..Van Riper agt. Tweed, jr., et al.
868..Ocean National Bank agt. Wallamadge et al.
1990..De Witt, &c., agt. Keleman.
746..Dixon agt. O'Brien.
594½..Cohen agt. Penisi.
2190..Averill Chem. Paint Co. agt. Am. Cent. Ins. Co. of St. Louis, Mo.
2192..Same agt. Fire Ass. of Phila.
2352½..Roth child agt. Grand, H. & 42d-sts. R. R. Co.
2788..Rogert agt. Aiken.
2844..Reed agt. Hedges.
2848..Bischoff, jr., agt. Kelwell.
2850..Henry agt. Lord et al.
2854..Stokes agt. Smith et al.
2854..Fifth National Bank agt. Smith impl'd, &c.
2856..Manielsbaum and ano. agt. Peacock.

PART III.—VAN VORST, J.

1983..Marshall agt. Am. Cor. Iron Co.
3639..Geipcke agt. Quintell.
1961..Walsh agt. Mead.
1159..Watson agt. Dimock.
457..Bronson agt. Frothingham et al.
2001..Baldwin agt. Smidt.
1499..O'Donnell agt. The Mayor, &c.
1213..Lowenthal agt. Same.
1465..Bates et al. agt. Barber & ano.
2055..Powers agt. Heath.
483..The Farrar Coal Co. agt. O'Brien, sheriff.
1651..Allis agt. Phillipsburg Mfg. Co.
1137..Schuyler agt. Stevens.
447..Wormser agt. O'Brien, Sheriff.
1285..Dean agt. Brennan, Sheriff.
1907..World Mutual Ins. Co. agt. Cohn.
1941..Lane agt. Kingsland.
2011..Hall et al. agt. Richardson et al.
1747..Covert agt. Benson, ex'r.
1553..Hollister agt. Englebart, &c.
1393..Kenny agt. Hinds.
1989..Owens agt. Cassidy.
2021..Davis agt. Wilmerding et al.
1911..Colt agt. Golden Bronze Il Co.
1911..Platt, rec'r, &c., agt. Van Orden.

SPECIAL TERM—VAN BRUNT, J.

1..The Board of Demurrers S. of N. Y. agt. Davidson.
2..Tucker et al. agt. Livingston et al.
3..Johnson agt. Gallup, impl'd.
4..Foley agt. Palmer et al.
5..Arnold agt. Hunt et al.
6..Hunter et al. agt. Brennan et al.
7..Wilds agt. Henry.
8..Pelham agt. Davis, impl'd
9..Stephens agt. The Board of Education of Brooklyn.
10..Sharkey agt. Dermot.
11..Sawyer and ano., &c., agt. Butterfield, ass'r, &c.
12..Clerke agt. Butler, impl'd, et al.
13..Eagle agt. Smyth et al.
14..Eagle agt. Smyth et. al.
15..Johnson agt. Dillon et al.
16..Allen agt. N. J. Southern R. R. Co. et al.
17..Pitzostrick agt. Babcock.
18..Elliott agt. N. Y. Cotton Exchange.
19..Woodridge agt. The Mayor, &c.
20..Dupton agt. Smith et al.
21..Lange agt. Benedict.
22..People, &c., ex rel. Weatherland agt. Waldron et al.
23..Department agt. Monesse.
24..Gibbons agt. Maloney.
25..Austin agt. Schuyler et al., &c.
26..McGlore agt. Maloney.
27..Filley agt. Continental Life Insurance Company.
28..Singer, &c., agt. Cooper.
29..Brett agt. Milwaukee and St. P. Railroad Co. et al.
30..Ross agt. Wood et al.
31..The Howard Mission, &c., agt. The Mayor.
32..Woodruff agt. Flood and ano.
33..Ronalds agt. Thomas et al.
34..Brett agt. Palmer et al.
35..Seamoin agt. Ruck et al.
36..Bank of California agt. Collins et al.
37..Billings et al. agt. Stapperm et al.
38..Barnitz et al. agt. Bieler.
39..Goodman agt. Rayner.
40..Elliott agt. New-York Cotton Exchange.
41..Wood agt. The Mayor, &c.
42..Middleton et al. agt. Baldwin et al.
43..Young, trustee, &c. agt. Merchants'.
44..Stephens agt. The Board of Education of Brooklyn.
45..Gapen agt. Crawford.
46..Eneeman agt. The Mayor, &c.
47..Coates and ano. agt. Sharpe et al.
48..Stephens agt. The Board of Education of Brooklyn.
49..Same agt. Same.
50..Wallace agt. The Soc. Ref. Juv. Del.
51..Daly agt. Same.
52..Same agt. Same.
53..Jarrett et al. agt. Same.
54..N. Y. Academy of Music agt. Same.
55..Shook agt. Same.
56..Chamberlain, jr., agt. Same.
57..Martha et al. agt. Same.
58..Hayes, &c., agt. Same.
59..Thorne agt. Same.
60..Tobin agt. Same.
61..Birch et al. agt. Same.
62..Billings et al. agt. Blanck and ano.
63..Van Wagenen agt. Kemp et al.
64..Smith and ano. agt. Moncrief and ano.
65..Mackey agt. Aner.
66..Gale agt. Dietz.
67..The People, &c., agt. The N. Y. Cotton Ex.
68..Lupton agt. Smith et al.
69..Willard agt. Conner, Sheriff, &c., et al.

Issues of Law and Fact.

1..Trustees of U. C., &c., et al. agt. Lowier et al.
2..Taylor agt. Trustees of U. C., &c., et al.
3..Jones agt. Fremont et al.
4..McClellan agt. Angur et al.
5..Holloway agt. Stevens, &c.
6..Getty agt. Devlin et al.
7..Averill agt. Fitzpatrick.
8..Boyd, ex'r, &c., agt. De la Montagne.
9..Gray agt. Wallenbeck.
10..Howard et al. agt. Lippitt.
11..Parish agt. Sherman and ano.
12..Anonkear M'f'g Co. agt. Garner et al.
13..Stettheimer et al. agt. Hobenthal.
14..Boyce agt. Chester et al.
15..Claflin et al. agt. Kelly, Sheriff.
16..Stephenson agt. Catherwood.
17..Hoyt et al. agt. Moore et al.
18..Same agt. Same.
19..Same agt. Same.
20..Ritter agt. Bondy.
21..Portigs agt. Platt et al.
22..State of Tennessee agt. Powell et al.
23..Marr et al. Goodwin et al.
24..Harnett agt. Harnett.
25..Howell and ano. agt. Townsend et al.
26..Crawford agt. Townsend et al.
27..Langley et al. agt. Frear et al.
28..Reynolds agt. Townsend.
29..Ayres et al. agt. Townsend.
30..Emanuel, trustee agt. Selden et al.
31..Clark agt. N. J. Steam Nav. Co.
32..Wolfe agt. Brinckerhoff and ano.
33..Robinson agt. Robinson.
34..Bliss et al. agt. Keller et &c.
35..Cutter et al. agt. Myers et al.
36..Jones agt. Crennan.
37..Gardner et al. Cummings et al.
38..Bowslin agt. Corwin.
39..Mitchell agt. Read.
40..Orr agt. Gilmore and ano.
41..Williams agt. Anthony.
42..Murphy et al. agt. Wheeler and ano.
43..Same agt. Dickinson and ano.
44..Murphy agt. Gamble.
45..Howell agt. Farrington.
46..Litchfield agt. Merriam et al.
47..Giffening agt. Giffening.
48..Hastings, rec'r, &c., agt. Drew et al.
49..Townsend agt. Jessup.
50..Gunning agt. Austin.
51..Arcuer et al. agt. Schultz et al.
52..Hoopes agt. Wright.
53..Berg agt. Baldensick.
54..Wetmore agt. Condee et al.
55..Swoble agt. Bennett.
56..Doyle agt. Olwell et al.
57..Scott et al. agt. Honeywell et al.
58..Vose agt. The Milwaukee and St. Paul R.R. Co.
59..Peters agt. Green et al.
60..The Mayor, &c., agt. Devlin et al.
61..McMenamy et al. agt. Farrel.
62..Collinson agt. Hopkins et al.
63..Caldwell agt. The Commercial W. Co. N. Y.
64..Oertel and another agt. Jacoby and another.
65..Andrews agt. Vreeland et al.
66..Mehrbach et al. agt. Kiernan.
67..Dorey et al. agt. Liftchild et al.
68..Whittemore et al. agt. Shilgitts.
69..Helmbold agt. Helmbold.
70..Bouche and ano. agt. Flamant and ano.
71..De Venoge and ano. agt. Same.
72..The Sargent Mfg. Co. agt. Frazer and ano.
73..The Nassau Bank agt. Young et al.
74..Taylor agt. Thomas.
75..Doughty agt. Hamann et al.
76..Barry agt. Genin.
77..Warner agt. Murphy.
78..Stephens agt. Stephens and ano.
79..Clark, adm'x., agt. Griswold.
80..Pool agt. Stevens.
81..Lee agt. Lee et al