and that the laws underlying and controlling economic progress are either identical with the laws underlying and controlling intellectual, moral and religious progress, or, at least, are so far similar and closely connected as to be mutually independent. And we hold, furthermore, that it is mainly from a lack of perception and appreciation of this truth, especially by those to whom the mission of making man better is particularly intrusted, that so much of the work undertaken in these latter days by the philanthropic and reform associations has been like good seed sown upon stony ground—productive of but little good. The study and investigation of these questions of taxation, currency, and the production and distribution of wealth, said one of our best-known philanthropists lately, are all very well, and undoubtedly most important. They seem to me to be wholly material, while the great theory, in my opinion, to be worked for on behalf of society is the advancement of a larger life. Now, as to this ultimate issue and end of all our efforts, I fully agree. A large life is the one thing essential. It is the consummation of all social progress, the crowning glory of all Christian civilization. But on this earth, and while we continue in the flesh, in order that there may be a larger life, there must be an exemption from such servitude of toil as precludes leisure; and in order that there may be more leisure with less waste there must be greater abundance, and in order that there can be greater abundance there must be larger production, more economical usage, and a more equitable distribution. * * *

By the majority of those who have undertaken to discuss these questions in the interest of labor, the idea is a favorite one, that the ends desired can be most fully and rapidly attained through the enactments of law; but in respect to the extent to which the law is to be made operative, the ideas which are entertained and expressed have no little of diversity.

In Europe the masses, emerging from the sluggishness and torpor in which for centuries like brutes they have been content to suffer and to wait, and grasping at once the ideas, long familiar to the people of this country, that all men are created equal, have specially pressed to a conviction that because thus created equal they have in common with all, an equal right to all acquired property. And hence we find such leaders in the labor movement as Proudhon and others in Europe assuming and maintaining the position "that property is theft," and demanding that through legislation the State shall take possession of all property and provide for all its citizens an equal and adequate support. Now it would seem as if no argument could be needed in this country to show the wickedness and folly of such a proposition; and yet such doctrines, in a disguised form, are continually presented in this country, by men claiming to be respectable and intelligent, to a much greater extent than the community are generally aware; and not only preached but received with an apparently increasing favor and interest. Thus, for instance, in a tract issued by one of the recognized leaders of the eight-hour movement in Massachusetts, I found the statement that the ultimate end and meaning of this special labor reform movement to be "the compulsory limitation of labor by legislative enactment to six hours per day," and that out of this and co-operation it will follow that "the commonest or most obscure laborer will live, if he chooses, in dwellings as beautiful and as convenient as any which are now monopolized by the wealthy." To render his plan, however, in any degree practicable, the author singularly omitted to provide by statute that all men should be born with an exact physical and mental capacity for production; and if any one, by increased industry and economy, should performe produce more than another, the surplus should be forcibly taken from him, without compensation. Under such circumstances it cannot be doubted that all, at no distant day, would come to live in houses of great similarity, and the style of architecture which would prevail would undoubtedly closely resemble those truly free institutions of the Desert of Sahara, the interior of Egypt or the Esquimaux country. Other illustrations to the same effect may be found in the circumstances and paper now issued regularly in New-England, which is devoted mainly to the object of regulating the receipt of interest or also for the loaning of capital, and in the disposition so frequently evinced by our legislative bodies to treat our corporate property in accordance with the principle of *might* rather than in accordance with the principle of *right*. It is therefore well, even here, in this hopeful land of freedom and intelligence, to occasionally go back to first principles and see about the distribution of wealth by direct or indirect compulsion, or about demolishing the motives for personal accumulation.

It is evident, in the first place, that such ideas are wholly antagonistic to the idea of personal freedom, unless we mean to restrict the meaning of "freedom" simply to the possession and control of each person, irrespective of property, which would involve little more than the right to live, breathe and eat; and secondly, that it tends to impair the growth of, if not wholly destroy civilization itself; for if liberty is not allowed to all—rich and poor, high and low—to keep and to use, in whatever way they may see fit, that which they lawfully acquire—subject only to the necessary social restraint of working no positive ill to their neighbor—the motive to acquire and accumulate property will be taken away; and capital, meaning thereby not merely money, which constitutes only a small part of capital, but all those things which are the accumulated results of labor, foresight, and economy—the machinery by which labor is aided, and the economy—the machinery by which abundance is increased, toil lightened, and comfort gained—will, instead of increasing, rapidly diminish. And in order to comprehend the full force of this statement, allow me to call your attention to an illustration of the extreme shown—a with which that which we call capital accumulates even under the most favorable circumstances. By the census of 1870, the aggregate wealth of the United States, making no allowances for duplicate valuations, was not in excess of twenty-five thousand millions. But vast as this sum is, and difficult as it certainly is for the mind to form any adequate conception of it, it is nevertheless most interesting to inquire what it is that measured by human effort it represents. And the answer is that it represents the surplus result of all the labor, skill, and thought exerted, and all the capital earned and saved or brought into the country for the last 250 years, or ever since the country became practically the home of civilized man. Now, with capital, or the instrumentalities for creating abundance increasing thus slowly, it certainly stands to reason that we need to be exceedingly careful not by doing anything to impair its security we impair also its rate of increase, and we accordingly find, as we should naturally expect from the higher education of our people, that the idea of a compulsory division of acquired property finds but comparatively few advocates upon this side of the Atlantic. But at the same time we cannot deny that many of the most intelligent of the men interested in the labor reform movement in this country, taking as the basis of their reasoning the large nominal aggregate of the national wealth and the large advance which has recently been made in the power of production, and considering them in the abstract, irrespective of time or distribution, have nevertheless adopted the idea that the amount of the present annual product of labor and capital is sufficient for all, and that all that is necessary to do to insure comfort and abundance to the masses is for the State to intervene and compel its more equitable distribution.

Now, that a more equitable distribution of the results of production is desirable, and that such a distribution does and take place to the extent that it might without interfering with the exercise of individual freedom, must be admitted; but before endeavoring to make laws on the subject, it is of the utmost importance to first find out how much we have really got to divide. Let us see. Stated in money, the maximum value of the annual product of the United States is probably not in excess of $7,000,000,000; of which the value of the annual product of our cotton and our corn, our beef and our pork, our hay, our wheat, and all our foods, is returned by the census with undoubted approximative accuracy at less than one-half this sum, or in round numbers $2,400,000,000. But while this sum of estimated yearly income, like the figures which report the aggregate of our natural wealth, is so vast as to be almost beyond the power of most to comprehension, there is yet one thing about it which is certain and can be readily comprehended, and that is, that of this whole product, whether we consider it in the lump or in any other way, fully nine-tenths, and probably a larger proportion, must be immediately consumed in order that we may simply live and make good the waste and loss of capital previously accumulated, leaving not more than one-tenth to be applied in the form of accumulation for effecting a future increased production and development.

Or to state the case differently, and at the same time to illustrate how small even under the most favorable circumstances can be the annual surplus of production over consumption, it is very necessary to compare the largest estimate of value of the annual product with the largest estimate of the aggregate of national wealth, to see that practically, after 250 years of toiling and saving, we have only managed as a nation to get about thirty and a half years ahead in the way of subsistence, and that now, if such a whole people we should stop existing and producing, and repairing waste and decay, and devote ourselves exclusively to amusement and idleness, living on the accumulations of our former labors, or the accumulations of our fathers, four years would be more than sufficient to starve three-fourths of us out of existence, and reduce the other one-fourth to a condition of semi-barbarism; a result on the whole which it is well to think of, in connection with the promulgation of certain new theories, that the best way of increasing abundance and promoting comfort and happiness is by decreasing the aggregate and the opportunities of production. In fact, there are few things more transitory and perishable than that which we call capital, and as embodied in the ordinary forms we see about us its duration is not on an average in excess of the life of a generation.

The railroad system of the country is estimated to have cost more than $2,000,000,000, but if left to itself, without renewal or repairs, its value as property in 10 years would almost entirely vanish. And so with our ships, our machinery, our tools and implements, and even our land, when cultivated without renovation. For it is to be remembered that these same forces of nature which we have mastered and made subservient for the work of production are also our greatest natural enemies, and if left to themselves will tear down and destroy much more rapidly than, under guidance, they will aggregate and build up. A single night was sufficient in Chicago to utterly destroy what was equivalent to one-fourth of the whole surplus product which, during the preceding year, the nation had accumulated; and of all the material wealth of the great and rich nations of antiquity—of Egyptian, Assyrian, Syrian and Roman civilization, nothing whatever has come down to us, except, singularly enough, those things which, like those tombs and public monuments, could never have been possessed of a money valuation. But the inferences which we are warranted in drawing from these facts and figures are by no means exhausted. Supposing the value of our annual product—$7,000,000,000—to be equally divided among our present population of 40,000,000. Then the average income of each individual would be $175 per annum—out of which food, fuel, clothing, shelter, education, traveling expenses, and means of enjoyment are to be provided, all taxes paid, all waste, loss and depreciation made good, and any surplus available as new capital added to former accumulations.

Now, if at first thought this deduction of the average individual income of our people seems small, it should be remembered that it is based on an estimate of annual national product greater, both in the aggregate and in proportion to numbers, than is enjoyed by any other nation, our compeers in wealth and civilization; and further that this $175 is not the sum which all actually receive, but the average sum which each would receive were the whole annual product divided equally. But as a practical matter we know it is not divided equally, and, furthermore, that so long as men are born with different natural capacities, it never will be so divided. Some will receive, and do receive, as their share of the annual product, the annual average we have stated multiplied by hundreds and even thousands, which, of course, necessitates that very many others shall receive proportionally less. And how much less is indicated by recent investigations, which show that for the whole country the average earnings of laborers and comparatively unskilled workmen is not on an average in excess of $400 per annum, the maximum amount being received in New-England, and the minimum in the Southern, or former slave-holding States; which sum, assuming that the families of all these men consist of four (the census of 1870 says five)—two adults and two children—would give $100 as the average amount which each individual of the class referred to produces, and also the amount to which each such individual must be restricted in consumption; for it is clear that no man can consume more than he produces, unless he can in some way obtain the product of some other man's labor without giving an equivalent for it.

We are led to a conclusion, that notwithstanding the wonderful extent to which we have been enabled to use and control the forces of nature for the purpose of increasing the power of production, the time has not yet come when society in the United States can command such a degree of absolute abundance as to justify and warrant any class or individual, rich or poor, and least of all those who depend on the product of each day's labor to meet each day's need, in doing anything which can in any way tend to diminish abundance. And further, that the agency of law, even if worked to the fullest extent to compelling distribution, must be exceedingly limited in its operations. Let the workingmen of the United States, in every election, demand and strive if we will for the largest possible share of the joint products of labor and capital; for it is the natural right of every one to seek to obtain the largest price for that which he has to sell. But if by so doing he restricts production, and so minishes abundance, he does it at his peril. Truly a law far above any legislative control or influence—whatever in reason secures to us as large extent the era of prosperity of the country and it has ever been the vanguard of the army of progression. There has been no progress, social, political, moral, or literary, which it has not fostered and assisted. In all these years, even when it was known as the leading party paper of the country, it was ever bold, in upend and radical, fearless in its exposure of wrong and corruption both in high and low places, and ever the friend of truth and advancement.

Under Mr. Greeley's management no ring could buy its influence, nor no combination, however strong, control it. He never fought for a party, but was always out on scout duty, attacking here an abuse, there an ally of corruption, and combating that spirit of evil which seems to be part of the government of our country, since his death it has thrown off all party restraints and becomes wholly a newspaper, working for the material advancement and political prosperity and peace of the country. Its complaints on the party in power for its abuse of its high privileges and for its centralizing tendencies have almost equaled the philippics of Demosthenes in the field of oratory. It has shielded no friend nor spared no party. Its influence has been more potent than any other in the destruction of rings and thieves in the City and State of New-York, and Gov. Tilden has found no ally more faithful than THE TRIBUNE. It discards lee law and the grovelling in the newspaper profession, and its entire course is such as to elevate the profession into dignity, power, and influence, and as a consequence it has secured the most intelligent patronage ever given to an American newspaper.

We have many excellent papers in the country in special features, but for news, literature, dignity and honor to the newspaper fraternity THE NEW-YORK TRIBUNE is the leader of them all—the great, the model American newspaper.

OF MARVELOUS ENTERPRISE AND INFLUENCE.

From The Knickerbocker (N. Y.) Monthlies.

Thirty-four years ago the initial number of THE NEW-YORK TRIBUNE—a little four-page paper, price one cent—was issued by Horace Greeley from No. 30 Ann-st. From this feeble beginning has grown up THE TRIBUNE of to-day, with its dozen broad and closely-packed pages, its hundred or two of workmen and contributors, its circulation of 50,000 copies, its unexampled enterprise, and its marvelous influence. During the years that have passed since 1841, THE TRIBUNE has exerted an influence upon the politics, the intelligence and the virtue of the nation such as no other paper can claim, and however any one of us may disagree with the views which it has advocated from time to time, those people are few who will deny its honesty of purpose, and its unswerving fealty to the principles of its leaders. It has fairly earned a high position, which it enjoys today, and we are glad to believe that it will continue in an increasing ratio to be a power for good in the land for many years to come. The new building is said to be the finest in America, if not in the world, and it is certainly unlike in its manner, from the lowest foundation stone to the apex of the spire, and from the deepest to which is given, it would seem that its destruction by fire is absolutely impossible. THE TRIBUNE folks ought surely to be contented in their new quarters, and if they shall be allured up by the elegance of their surroundings to give us a better paper than they do now, they will do what, 20 years ago, to one world have believed to be within the bounds of possibility.

HEAD AND SHOULDERS ABOVE ALL OTHERS.

From The Philadelphia Christian Recorder.

Whatever may be thought of the politics of THE TRIBUNE, which are by the means what some of the politicians would have people believe, it is a very sad mistake to put it down as a sheet above all. We confess that we see it is very much in advance of our *Recorder*—if it have any to THE TRIBUNE. If it did not bear to us every day news of all kinds and from all quarters we certainly would not be able to lay the quantity we do before our readers. How it is appreciated by the public is to be seen in the fact that for the present month its average daily issue has been 50,808 complete copies.

The only reason that we do not advise our leading ministers to take the Daily, is that there is usually too much of it. We do however advise them to take the Semi-Weekly edition. The cost is but $3 per annum, and it overflows with the latest and the best news—Lectures, Reviews, Under Editorials, Biographies, etc., etc. Once again we refer to the politics of THE TRIBUNE, and for the reason that the vast majority of our people would starve rather than it be keyed if they thought that it brought in. Now, THE TRIBUNE in this sense is not the devil. It claims to be impartial, and from our full daily reading of its contents we are fully persuaded that it is so—never knowingly. We believe—our readers that claim. It every where insists that the lot men shall our rule, a doctrine that we fully and heartily indorse. However, what we want is information, and THE TRIBUNE gives that by the bushel; consequently we say subscribe.

ALMOST AN IDEAL NEWSPAPER.

From The N. Y. Illustrated Christian Weekly.

We congratulate our neighbor over the way, THE NEW-YORK TRIBUNE, on its removal to its new quarters, although its towering structure does exclude the sunlight from our editorial sanctum. No one of our scribe exclaimed, we will not even except *the Witness*, gives evidence of a higher or more earnest moral purpose than THE NEW-YORK TRIBUNE. Its occasional religious articles have a genuine Christian ring in them; and in its report of the great scientific and intellectual movements of the day it has no peer in this country and no peer in England. Its uncomfortable partisanship in politics is its greatest defect. If it could only learn to combine judicial impartiality with its moral earnestness, it would be very nearly an ideal newspaper.

ITS GREAT ABILITY AND USEFULNESS.

From The Niles (Mich.) Republican (Rep.)

THE NEW-YORK TRIBUNE formally took possession of its new and stately edifice on Saturday, the 10th inst., the 34th anniversary of its existence. It is to be congratulated upon its position, its progress, great ability, and usefulness. THE TRIBUNE'S new home is the large and most complete printing house in the world, and the tallest building (except Trinity Church) on this continent, being 285 feet from the beginning of the foundation to the point of the spire. THE TRIBUNE put in its first appearance, 34 years ago, on a borrowed capital of $1,000, and the first week's receipts were $82, and the current expenses $625. Now the capital stock of THE TRIBUNE is $1,000,000, and a daily circulation of over 50,000, saying nothing of the immense weekly and semi-weekly editions. To print these large editions it requires four presses capable of turning off 16,000 per hour each. Everything in the building is of the best and most durable quality. There is no tinsel or gilt, either in the structure or used in the ornamentation; and nothing has been neglected which may add to the substantial beauty of the edifice or the convenience of its occupants.

SOUTHERN GRATITUDE.

From The Memphis Appeal (Dem.)

The New-Orleans Picayune discourses pleasantly over the good fortune of THE NEW-YORK TRIBUNE in the possession of a national home, and says truly that "we of the South owe THE TRIBUNE a deal of gratitude as profound as was the hatred we once bore it, which it crammed with such persistence and prowess the crusade against us. With unsurpassed earnestness and fidelity it rescued brotherhood the old enemy has become our staunchest friend, and gone into battle for the Southern people against the party to which it helped into power, and its variance has not ceased with the same persistence and prowess which distinguished its abolition onslaught."

WITHOUT A PEER AS A NATIONAL NEWSPAPER.

From The West Meriden (Conn.) Recorder (Ind.)

THE NEW-YORK TRIBUNE, as a great National newspaper, stands today without a peer in the country. Its circulation is immense, with an onward and upward tendency, and it is the model news enterprise of the age. It represents advanced journalism better than any other newspaper in the country. Since Mr. Whitelaw Reid took charge of it, THE TRIBUNE has vastly improved; its editorial matter is very much broader and more generous and fair than it was in time, than it was in former days, and THE TRIBUNE has not only surpassed anything it had ever accomplished before in promptness and thoroughness of news gathering, but it has opened new fields of examination not before attempted by the newspaper, while its literary and scientific matter will it has fully kept pace with its great progress in other respects. We congratulate the conductors of THE TRIBUNE on their unparalleled success.

ITS EXCELLENCE AS A NEWS JOURNAL.

From The Fort Plain (N. Y.) Register (Ind.)

THE NEW YORK TRIBUNE celebrated its thirty-fifth birthday on Saturday by taking possession of its grand new building, appearing also in new type and printed on presses of improved construction. The building which constitutes its new quarters is nine stories in height, beside sub-cellar and attic, and is crowned with a tower, the top of which is 260 feet from the sidewalk. In the eighth story is the editorial room, and in the ninth the composing rooms, the business office being on the first floor. There is room for diversity of opinion as to the architectural effect of the huge pile, but there can be no question as to its strength and solidity, and these are the main requirements in such a structure. Furthermore, there can be no doubt entertained in reference to the increasing prosperity of THE TRIBUNE, and its excellence as a news journal.

A LESSON OF THE SCHILLER DISASTER.

To the Editor of the Tribune.

SIR: Can you inform me why a steamer, nearing a dangerous coast and finding itself in a fog, could not "lay to," or even reverse its course? Is there any reason why this might not be done, and should not be done, except the necessity felt by the officers to be "on time," and to make a quick voyage at whatever risk? I hope to go to Europe some day, and I would certainly prefer a line which should advertise itself as "slow and safe," "This line does not carry the United States mails." "Our vessels do not go ahead in a fog," and "Safety first—speed afterward." Perhaps a steamship company with such old-fashioned principles might not take the man of business to whom time is money; but would we not rather consign to it our wives and children, the aged and the helpless? Better a week's delay and a safe arrival than a quick voyage and the chances of a late like the Atlantic's or the Schiller's. A. J. L.

Brooklyn, May 10, 1875.

ARMY ORDERS.

WASHINGTON, May 11.—First Lieut. Jas. A. Buchanan, 14th Infantry; Second Lieuts. Henry A. Reed, 2d Artillery, and James Allen, 3d Cavalry, have been ordered to report to the Chief Signal Officer of the Army for duty; Second Lieut. Charles H. Tyler, 16th Infantry, Acting Assistant Quartermaster, has been ordered to relieve Capt. H. C. Cook, 24 Infantry, of the charge of the National Cemeteries at Chattanooga and Knoxville, Tennessee.

THE COURTS.

A RAILROAD'S FINANCIAL DIFFICULTY.

RECEIVER APPOINTED FOR THE NEW-YORK, WEST SHORE AND CHICAGO RAILROAD COMPANY—SUIT BROUGHT BY A BONDHOLDER FOR NON-PAYMENT OF INTEREST.

Florence V. Lewis filed, very recently in the United States Circuit Court, a bill praying for the appointment of a receiver for the New-York, West Shore and Chicago Railroad Company, and for an injunction restraining that Company and the Farmers' Loan and Trust Company from selling or otherwise disposing of any of the property mentioned in a certain mortgage or bond of trust, dated April 10, 1871, and a certain supplemental mortgage or bond of trust, dated Feb. 29, 1872. It was thought that the publication of the bill before it was acted upon by the Court would defeat the ends of justice, and it was, therefore, suppressed until yesterday, when Judge Wallace both appointed a receiver for the Railroad Company and granted the injunction prayed for. The receiver is Livingston Lansing of Buffalo, N. Y., and he is required to give bonds in $100,000 for the faithful performance of his duty. The order appointing the receiver and granting the injunction contains the substance of the bill which was filed, and sets forth the mortgages or deeds of trust referred to. Following are the more important parts of the order:

And it appearing that on Oct. 10, 1870, and on April 10, 1872, the New-York, West Shore and Chicago Railroad Company made default in the payment of the interest upon the bonds held by the complainant herein, which became due on those dates respectively, and that the Company has never paid any part of said money, the whole of which sum is still due and unpaid. And it further appearing that the Farmers' Loan and Trust Company accepted the trust created by the investment heretofore in mentioned, and is a trustee under that instrument, and that that Company has been required to foreclose the mortgage herein-before mentioned and referred to for the non-payment of interest, and that it has refused to do so. And it further appearing that the railroad company has defaulted in the payment of the whole of the interest on the bonds named in said mortgage, which said bonds amount to about $3,000,000, and the interest on the same now due amounts to about $734,000. And it further appearing that the said railroad company is embarrassed by floating debts to the amount of over $1,000,000, and that the said debts are threatening to sue the corporation and attach its property, which would be a great detriment to its bondholders, and to the complainant herein; that it has defaulted in the payment of its taxes to the amount of about $25,000; that its notes and obligations have been protested; that it has failed to meet or provide for the same; that the corporation is at present insolvent, and that the bill of the complainant in this action is filed in her own name and her own behalf, and in behalf of all others similarly situated who shall come in and contribute to the expenses of said suit.

Now, therefore, it is ordered, that Livingston Lansing of the City of Buffalo, upon filing a bond in the penal sum of $100,000, for the faithful performance of his duties, with two or more good and sufficient sureties to be approved by this Court, be appointed a receiver, with the usual powers of receivers in like cases, of all the property, etc., of the said railroad company, and of all other property included in the said mortgage, to hold the same subject to the order and direction of this Court for the purposes in this suit. It is also ordered that an injunction be issued restraining the railroad company and the Farmers' Loan and Trust Company from disposing of any of the said property. Nothing herein shall be construed as enjoining the Farmers' Loan and Trust Company from taking proceedings to foreclose said mortgages or trust deeds, and selling the property covered by the same if they shall be so advised.

Ex-Judge Lacombe appeared for the complainant, Mr. Tanner for the Farmers' Loan and Trust Company, and Mr. Larkin for the railroad company.

ALLEGED MALPRACTICE AT A HOSPITAL.

THE SUIT AGAINST THE EYE AND EAR INFIRMARY.

The trial of the suit of Edward P. Doyle against the New-York Eye and Ear Infirmary and Dr. H. Derby, for damages for alleged malpractice, the facts of which were given in THE TRIBUNE of yesterday, was continued yesterday, before Judge Van Brunt, in Supreme Court Circuit. At the close of the plaintiff's testimony, a motion was made on behalf of the Infirmary to dismiss the complaint, on the ground that the services were given freely, without fee, and there was therefore no basis of contract; that no gross negligence had been shown; that the whole and sole duty of the Infirmary was to select capable physicians and surgeons, and they were not shown to have neglected this; and such testimony as had been given showed affirmatively that the appliances furnished were proper.

Judge Van Brunt said that the nearest analogy was in the case of passengers on free pass on the railroads, and he believed that in almost every State the carrier had been held liable for accidents occurring through the negligence of his servants; he should therefore deny the motion. The motion was then renewed on behalf of Dr. Derby, on the ground of want of proof of negligence, his counsel at the same time saying that he made it only as matter of duty to the Court, hoping that the Court, by denying it, would admit their proof. The Court denied it.

Proof was then put in for the defense. Royal Phelps, the President of the Infirmary Society, testified that the surgeons and assistant surgeons were selected by the surgical staff of the institution and appointed by the Board of Trustees; that Dr. Derby came to them most highly recommended; that after the case of Doyle was made public, he personally made most careful inquiries; that he saw the boy and took down his statement, and came to the conclusion that there had been nothing wrong in the treatment of the boy at the Infirmary. Drs. Bunstead, Roosa, and Agnew, and other physicians were called to show that violent inflammation or ophthalmia of the eye, proceeding from catarrhal and other causes, were not distinguishable from purulent or contagious ophthalmia; that the treatment adopted by the doctor, to whom the boy went after leaving the Infirmary, of not four inflations, was almost certain to result, in such cases, disastrously, the true treatment being the laying open of the eyelids, cold applications, and the use of caustic. Dr. Joyce testified that when the boy last came to the Infirmary his eyes seemed much inflamed, as from cold, and were in such a condition that Dr. Derby consulted with him about the case, and they advised the boy to come into the Infirmary for treatment. The witness regarded the condition of the boy's eyes then as serious, though not necessarily dangerous. The Court then adjourned. T. C. Campbell appeared for the plaintiff, S. P. Nash for the Infirmary, and Mr. Stickney for Dr. Derby.

CITY TAXATION OF PACIFIC MAIL.

ARGUMENT ON APPEAL OF THE COMPANY FROM THE ASSESSMENT OF 1875.

The appeal of the Pacific Mail Steamship Company from the assessment of its property for taxation in this State and city for 1874, was yesterday argued in the General Term of the Supreme Court. The Tax Commissioners at first took the nominal value of the Company's stock, $20,000,000, as the basis of the assessment. On the appeal and statement of Rufus Hatch—the figures of which have been already given in THE TRIBUNE—the Commissioners cut down the value of the assessable property to $5,749,518. Mr. Hatch claimed that all that could be assessed was the tangible property in New-York and the steamers registered in and plying to this port, in all valued at about $1,330,000. He then claimed that certain stock of the California Dry Dock Company, valued by the Commissioners at $104,250; the money they had paid on the vessels building for the Company on the Delaware, $2,117,000, and all their Pacific coast steamers should be exempt; and as the Commissioners refused to make these deductions, the Company appealed by a writ of certiorari. The request for a deduction of the value of Pacific coast steamers was practically abandoned on the argument, the Court of Appeals having decided that their value was properly included; but as to the other two items, the appellants insisted that as the property was not within the protection of the State, no taxes should be levied on it. The Court reserved its decision. Morris, Robinson & Carlton appeared for the appellants; James C. Carter for the respondent.

AN ALLEGED CONTRACT DECLARED VOID.

A case was argued by F. F. Marbury, in the Superior Court, Part II., yesterday, before Judge Spier, the decision in which bears upon the proper method of making contracts. The plaintiffs, H. R. Thurber, F. B. Thurber, and others claimed to have purchased in November, 1872, through Hawkesworth & Duclos, 7,000 half-boxes of Valencia raisins at five cents per pound, in bond, owned by James C. McAndrew, the defendant. It was claimed that, owing to the non-delivery of these raisins, the plaintiffs should recover their loss. It was stated in the testimony that on the day of the purchase, Mr. McAndrews told Duclos that he was not able to deliver the goods unless the amount yet remained unsold, samples having been sent to Canada. Duclos accordingly sent a note, on which the plaintiffs claim a contract, which stated that 7,000 half boxes or about that number would be delivered, but, as the whole thing was in doubt, the contract would be sent next day.

Mr. Marbury moved to dismiss, making the point that the note was not a contract in itself, being contrary to the Statute of Frauds, in not stating the whole of the contract, and if a contract, it must be void for not stating the length of the credit, 60 days. Nelson Smith opposed the motion, but the Court held that no case had been made out and dismissed the complaint.

STREET RAILROADS IN CONFLICT.

In the Supreme Court, Special Term, Judge Van Brunt has dismissed the complaint of the Christopher and Tenth Street Railroad Company against the Central Cross-Town Road. The suit was brought to prevent the defendants from running their tracks across West-st. to the present entrance to the Christopher-st. Ferry. The claim of the plaintiffs was based on the wording of the chartering act, which describes the defendants' tracks as running "along West-st. to Christopher-st. at the foot of Christopher-st., North River," returning thence by Christopher-st., &c. An injunction was granted to the plaintiffs at Chambers, but Judge Van Brunt holds that the use of the words "at the foot of Christopher-st., North River," would be mere surplusage if the railroad was only to use West-st. to get into Christopher-st. The act designating the plaintiffs' route as to the Christopher-st. Ferry gave them no greater rights. He therefore dissolves the injunction and dismisses the complaint.

A TEMPORARY INJUNCTION AGAINST THE LYCEUM THEATER.

Judge Lawrence, in Supreme Court, Chambers, yesterday, at the instance of the Society for the Reformation of Juvenile Delinquents, granted a temporary injunction against Maurice Grau and C. A. Chizzola, restraining performances in the Lyceum Theater until a license is paid, with the usual order to show cause why the injunction be not made permanent.

MOTIONS IN THE TWEED SUIT ADJOURNED.

The motions in the suit of The People against Tweed for $6,000,000, which were to have been argued yesterday, were again adjourned to May 18 by consent the defendant's time to answer being extended to five days after the argument.

CIVIL NOTES.

In the United States District Court, yesterday, the following goods, supposed to have been smuggled, were condemned by default, no claimant appeared: A trunk containing a lot of silk dresses and laces, and 345 yards of silk; 9,350 cigars, and 820 reels of cigarettes.

In the suit of James M. Boyd against Lewis Schlessinger, brought to cancel the record of a contract for the sale of property, on the ground that such record is a cloud on the title of the property, Judge Van Brunt, in Supreme Court, Special Term, has dismissed the complaint on the ground that the Court of Appeals have intimated that such a contract is not a cloud upon the title; but as that Court does not seem to Judge Van Brunt to have duly considered the effect of that ruling upon title, he dismisses the complaint without costs.

In Part I., of the Superior Court, before Judge Curtis, B. B. Bowen recovered a verdict of $[illegible] from the Adams Express Company, yesterday, for the loss of baggage. About two years ago, before starting for California, the plaintiff, who is a blind man, got his trunks checked to Detroit from No. 46 Kingsland. On the way to the Grand Central Depot with the trunk the driver of Westcott's Express stopped to take on another trunk, leaving his wagon at the door. On his return from the house the plaintiff's trunk was missing. The interesting feature of the case was the plaintiff's claim for his expenses in returning from California to look after the baggage. Judge Curtis ruled this out, on the ground that all the plaintiff could possibly hold the Company liable for were the contents of the trunk. Chauncey Shaffer appeared for the plaintiff; Luke Lockwood for the defendant.

DECISIONS—MAY 11.

Supreme Court—Chambers—By Judge Lawrence.—Dyckman agt. Goldstein (No. 1), Dyckman agt. Goldstein (No. 2) and Seaman's Bank agt. Chicago and Northern Pacific Railroad Company; Weil agt. Same; Same agt. Same; Same agt. Same. Motions granted. Williamson agt. Williamson.—Motion for appointment of a receiver granted, and George H. Sandis, esq., appointed such receiver, on his giving bond in the sum of $[illegible], Mesnard agt. Willmott, by—Reference granted. Morris agt. Pollock.—The complaint claims that the defendants allege that they have sued the plaintiff, having been nonsuited by Judge Curtis; that the action was brought to recover the costs of the former action. Motion for an injunction restraining the defendants from proceeding in the action, and for an order requiring them to show cause why they should not be restrained, pending the action, from proceeding in the action, and why they should not be ordered to pay the costs of the former action, and why they should not be ordered to pay the costs of the former action, and why they should not be ordered to pay the costs of the former