LETTERS FROM THE PEOPLE.

AN APPEAL FOR OUT-DOOR PREACHING.

RELIGIOUS MEETINGS IN THE PARKS SUGGESTED—AN OPPORTUNITY FOR CLERGYMEN TO DO MUCH GOOD.

To the Editor of The Tribune.

SIR: Many of our churches have of late been revivified by the Holy Spirit, and many souls have been turned unto Him who alone is the truth and the light of the world. It is with some anxiety that I greet the warm and genial Summer months, for with the heat the good work that has been going on will cease, and many will be left without spiritual food. The shepherd who has faithfully ministered to his flock should have time granted him for rest and refreshment; but should the flock be entirely uncared for—left to ramble at will and wander away from the fold? It is this, it seems to me, that accounts for the deadness in so many churches. We have living shepherds striving to put new life into dead sheep. When the Summer months come, the sheep are turned out to pasture and the fold securely locked against all intruders; and when the shepherd returns in the Autumn and the fold is again open for the sheep, his entire energy is expended in trying to extricate the sheep from the chasms they have fallen into. His labors should be directed to those who are not of the fold. I know it is irksome to attend divine service with the thermometer in the nineties, and to me not a little annoying to sit and hear even a good preacher discourse upon "the cool and sparkling rivulets," or of the pleasant shade and beautiful scenery of the White Mountains, while I am perspiring myself out of existence. But what I should like, and it seems to me they would tend to keep alive the interest in religious things among us, is out-door devotional services. They are carried on to a small extent, but strange to say, generally by very poor preachers, not capable of stirring up the hearts of their hearers. What we want is good preaching during the Summer months in our parks by the best preachers we have in the city. Many there are who would listen to the Gospel in the open air, if expounded by an eloquent divine. Why not hold services in Central Park, say on the Mall, every Sunday afternoon. Let us have good singing too, as well as good preaching. Where are Drs. Hepworth, Tyng, jr., Deems, Taylor, Robinson, Burchard, and many others, whose burning words for Christ have found lodgment in many hearts? Will not these men of God keep alive their Master's work during the Summer months by devoting at least one Sunday each to preaching in the open air, where thousands would congregate to listen to them? An organized effort on their part would tell for the Master in the Fall. Why not go out and preach the Gospel, and not wait until men come in to hear it? Christ confined not His words to the synagogue, but spoke by the wayside. Let us do the same and humbly imitate Him. Messrs. Moody and Sankey are still laboring in London with untiring zeal to the one end that souls may be saved. Let us during the Summer months entertain the Spirit of God which has been brooding over us, and in the Fall invite Messrs. Moody and Sankey to New-York, and then we can do mighty work for God and His kingdom. Henry Varley stirred us up out of our sleep; don't, don't let us relapse again. Shepherds, look well to your sheep during the heat of the Summer, that when the Winter comes they may work with renewed vigor for the Master's cause.

R. G. W.

New-York, May 28, 1875.

WHY PEOPLE HURRY IN NEW-YORK.

To the Editor of The Tribune.

SIR: Strangers, upon their first visit to the metropolis, are wont to exclaim, "Why, how the people do rush"! This is the almost invariable exclamation that greets us from foreigners, more especially from the easy-going English people. A New-Yorker will rush frantically along, suddenly drop down into a park seat, and then, after resting a few moments, jump up and march away as if shot from a cannon. Many strangers mistakenly suppose this hurrying, frantic crowd is only met with on Broadway, but such is not the case. Every person on coming within the circle describing a radius of several miles from the great business center of our city feels, unconsciously or otherwise, a desire, more or less strong, to hurry, to rush along, and if the person be magnetically susceptible, to make precipitous haste. The intensity of this impression—not to consider the peculiar idiosyncrasy of the person—varies, of course, with that of the influence producing it, and also with the distance from the great business center previously mentioned, said bustle as center being the fountain-head of that peculiar (sympathetic, magnetic, odylic, or psychological) influence which I will now proceed to mention. I would premise the remark, however, that no one who has paid the slightest attention to the occult sciences will for a moment deny that this frantic haste depends upon a psychological influence. My theory briefly is this: In the vicinity of Nassau, Wall, and Broad-sts. we have many hundreds of active, strong-minded business men—men whose minds constitute the real motive force that keeps in motion the gigantic machinery of our great financial and commercial systems—whose wills, necessarily, are strongly concentrated upon their responsible business transactions, until around each individual there is formed a nervous or vitalized atmosphere which increases in intensity and quantity in a geometrical ratio according to the number of individuals collected together in such a state of mind. They are in a feverish haste, while anxiety is expressed in their every action; and the emanations (projections of the mind, so to speak) partake largely of these attributes. I might support my theory by the hypothesis that this influence is thrown out in the form of vibrations—delicate vibrations—infinitely more subtle than light or common electricity (both of which we know are the result of vibrations in the impalpable ether) and which extends around from its center of causation in a manner similar to the motions produced upon casting a stone into a pool of still water. We know that variations of the ethereal motions produce the variety of colors; likewise all sensations arise from peculiar motions propagated along the nerves from the point where they receive the impress to the cerebral or sentient termination. I am far from being a materialist when I say that even thought itself—not intelligence—is the result of motion. This psychological emanation strikes some with a peculiar intensity, so that if such persons—rapid transit people!—were propelled by electricity itself they would gravely discuss the question whether the motive power be susceptible of improvement!

ISRAEL BIDAMAN, M. D.

New-York, May 29, 1875.

A GREAT FINANCIAL POLICY.

To the Editor of The Tribune.

SIR: It has been said of Americans that they jump at conclusions, instead of patiently investigating to discover the truth. Perhaps this is one reason why we have such great difficulty in fixing upon some definite financial policy instead of groping along as we have been doing in the dark. Ex-Secretary McCulloch's letters in THE TRIBUNE are valuable and suggestive in the comparison made between France and our own country, and he is, no doubt, correct in the main in ascribing the better financial condition of France to the greater industry and frugality of her people. But has he not failed to tell us all? He tells us that France has a public debt twice as large as ours. He does not tell us the amount of her paper money in circulation, though he does say it is very nearly at par with gold. It is publicly stated that the volume of paper currency is as great in France as it is in this country, and I do not see it contradicted. If it is nearly as large, ought we not to read the lesson it teaches, so that the veriest tyro in finance may see it? Is it not that France has refrained from crippling her industries by a system of contraction such as we had, originated by Mr. McCulloch himself, and partially carried out by his successors? Is not one great secret of her success manifest in the vast coin accumulation in the Bank of France? Had our finance ministers pursued a like policy six years ago until we too possessed three hundred millions in the treasury, even though we could boast of two hundred millions less of canceled bonds, would we not be as near to a resumption of specie payment as the Bank of France is said to be? And this with seven hundred and fifty millions, if need be, of paper. "We have saved at the spigot and lost at the bung hole." We have saved ten millions of interest per annum, and lost in the damaged and almost paralyzed industries of the country hundreds of millions. I am not one who thinks that the present financial pressure is an unmixed evil. Skillful speculation was fast usurping the place of honest industry as the creator of wealth in the minds of many. But has not the penalty been paid? Respectfully yours,

J. W. POMEROY.

Charlottesville, Va., May 24, 1875.

AN ESSAY ON MATRONS.

To the Editor of The Tribune.

SIR: I have been anxiously scanning your pages for more news from the "seat of war" at the Presbyterian Hospital. Every fiber of my woman's cart quivers in sympathy for those four young surgeons who were dismissed. I know a matron presiding over a New-York institution who never smiles, whose face wears all the terrors of the Ten Commandments broken at once, the concentrated essence of a score of judges giving sentence of death to as many criminals. Aloes and quinine, vinegar and sulphuric acid are nothing to her; she is a personificating fit of indigestion. You always feel like asking if all her relations were lost on the Schiller. All the drugs in the memory of young physicians would not suffice to neutralize the depressing effects of seeing her preside at the head of the table during one meal. I also know of a pioneer matron, with a tongue sharper than a two-edged sword. She may be seen every Sunday morning at the head of the children, whose heads are erect as if lightning-rods had been substituted for their spines, and whose eyes look straight ahead as if they were viewing the promised land from afar and wondering if, in that clime, matrons flourish in immortal bloom. Webster's definition of matron is "A prudent, motherly woman." When will our philanthropic managers of institutions place women in that position who manifest regard for the rights and privileges of others?

JUSTINA.

New-York, May 20, 1875.

A SIGN INSPECTION NEEDED.

To the Editor of The Tribune.

SIR: The article of your correspondent, "M. S. J.," in this day's issue of THE TRIBUNE, on signs over sidewalks, is well timed and I am in hopes that, through it, the city authorities will be awakened to the necessity of at once providing against the dangers alluded to without waiting for the first report of a falling sign and consequent injury to life and limb. Imagine the velocity with which one of those large heavy signs would fall to the sidewalk from a five or six story building. An ounce of prevention is equivalent to a great many pounds of cure, and, if a small quantity of that kind of medicine had only been made to play an important part in the case of the standing walls on Reade-st. not long ago, what a serious loss of life would have been prevented!

Truly yours, R. McNAMARA.

No. 753 *Van Buren-st., Brooklyn*, May 28, 1875.

A CENTENNIAL ASPIRATION.

To the Editor of the Tribune.

SIR: The next Presidential contest occurs in the centennial year of the duration of the Republic. Why should not the glorious memories of the past 100 years animate the citizens of these United States with an exalted and extraordinary patriotism which shall for once, as the flame sweeps clean the prairie, consume the rank growths of partisan feeling and impel the people to demand as candidates for the loftiest stations in their gift only the purest, ablest, and most efficient public men the country can afford? Certainly there could be no better mode than this of celebrating the close of a century of glory and prosperity never vouchsafed in like measure to any other nation on the earth. Were these most prominent molders of public sentiment—the leading journals—unanimously to advocate this idea, an old political dream might, from the novelty of its associations, be realized, even before the millennium dawns. Believing this, as one of that class which desires the politics of the Union to be redeemed from corruption and wire-pulling, I nominate as a national ticket, a people's ticket, for 1876, two men belonging to opposite parties, one a Democrat, the other a Republican, but each unexceptionable in character, of statesmanlike ability, and, what is more needed in these demoralized times, both positive workers for reform: For President, Samuel J. Tilden, the reform Governor of the Empire State; for Vice-President, Gen. Bristow, the reform Secretary of the Treasury. This ticket would obliterate party lines and draw the best elements of all parties to its support. The combination, could it be effected, would be invincible. Either nominee is worthy to be President, but I give Gov. Tilden the precedence because of his superior age and experience. Would not two such officials harmoniously cooperate to advance the general weal, and is it not possible to arouse the masses to exact their nomination from the National parties? The Republic was born in a revolution against unduly tyranny. Its centennial should be marked by a revolution against the despotism of the politicians.

THEODORE WILLIAMS.

Troy, N. Y., May 29, 1875.

PLAIN SPEAKING ABOUT NATIONAL FAULTS

To the Editor of The Tribune.

SIR: No! a thousand times no! do not "put a curb on your treatment of some of our public men," and do not sweeten "the bitterness with which you allude to the President," "Connecticut" and "the professional and literary classes," with which he has "an extensive personal and pen correspondence," are simply mistaken sentimentalists if they would ask you—who, as responsible editor, is hold the progress of the people in your hands—to smoothe our deformities by excuses, or write of our monstrous sins with your pen dipped in water, or be silent altogether in face of the political maelstrom into which we are surely drifting. *The Atlantic Monthly* for May contains an article—"What is an American?" It is a severely bitter arraignment of our country and our people. But who shall say that the author when he wrote was not prompted by the most earnest love of country and deeply pained to betray her errors. This paper, it would be well for all Americans with overmuch faith to read, and those who would complain of its severity are the ones on whose real patriotism little dependence could be placed. "Our women," says this *Atlantic* paper "have become (abroad) a byword for lightness, and our men for blasphemy and coarseness. * * What has happened to us? Are we rotten before we are ripe? * * Since the war we have added to our name several new varieties of infamy. What is the name of America now in Europe? A synonym for low rascality." The great heart of the American people may be as pure as it ever was. There are those who believe it is so, but this is the more reason why we should work unceasingly to crush out the counterfeits that are strutting everywhere, hiding the pure-heartedness and the honesty. Nor can we find excuses for our sins in the sins of older nations. We may be as righteous as they; perhaps we are more righteous; but this is no reason why we should not relentlessly expose those who are every hour bringing more and more disgrace upon us, and probing with their dishonesties down to the very heart of the nation.

R.

Brooklyn, May 28, 1875.

ROWING AS EXERCISE FOR WOMEN.

To the Editor of the Tribune.

SIR: For the past seven years there has been connected with Howland School for Young Women at Union Springs, N. Y., a regularly organized association known as the Howland Navy. During the boating season they practiced rowing on Cayuga Lake almost every day. Their outfit consists of four of Ingersoll's yawls. Every boat has its captain and organized crew. One of the professors of the school has general control of the crews, and always accompanies them in their practice. With that exception, it is entirely manned by young women. Some of them have become very proficient in the use of the oar. Last Friday afternoon a picked crew composed of seven women, six of whom each used an oar, and one gentleman, set out for a long row. Having been retained for a stern, they only reached a point 14 miles from home that day. Next morning they continued their voyage until they arrived at the celebrated Taughannock Falls on the west shore of Cayuga Lake. Here they spent four or five hours very pleasantly, and then started for home, which they reached the same evening, having rowed not less than 34 miles in one day. No one experienced any sickness from the effort, but on the contrary all agree that it was decidedly beneficial to their health. I wish also to state that the young women who were engaged in rowing are also good scholars in their classes. I send you this account with the hope that it may encourage other young women to avail themselves of this very delightful and health-giving exercise.

D. S.

Union Springs, N. Y., May 28, 1875.

A METHOD OF OBTAINING HAPPINESS.

To the Editor of the Tribune.

SIR: The "Boil it Down" editorial in a recent number of THE TRIBUNE stated a principle which was very suggestive, and one that has numerous applications. One of these I think is eminently important. Some things are practically useless, if not deleterious, until they are actually "boiled down." Many medicines for instance; and how many very obnoxious articles, treated in this way, become very pleasant and very useful. Now, the application I wish to make of this pertains to everything which can happen to any person in life, and every one must make a special application to his own case. The Bible tells us that there is a way in which *all things* can work together for our good. Our good is certainly our happiness. If happiness can be extracted from everything, the process for obtaining it must be invaluable, and must change our view of troubles and trials of all kinds greatly, as well as of the most ordinary and trivial matters. The process, moreover, is one which each one of us by seeking *can* find out. If all that in any way concerns us is "boiled down" *properly* this virtue can be extracted. If our aim in life is right, if we really wish to learn the lesson of life, and seek help in the right place, every event can be our teacher, and happiness from each is what we can be taught.

C. G.

Sandusky, Ohio, May 27, 1875.

THE COURTS.

THE ERIE COMPANY IN NEW-JERSEY.

APPLICATION BEFORE CHANCELLOR RUNYON AT TRENTON FOR AN ORDER TO APPOINT MR. JEWETT RECEIVER IN NEW-JERSEY.

Application was made before Chancellor Runyon in Trenton yesterday morning on an order to appoint Hugh J. Jewett receiver of the Erie Railway Company in New-Jersey. Cortlandt Parker supported the order, and Messrs. Gilchrist and Abbott resisted it, presenting a long affidavit setting forth that Mr. Jewett was an improper person for such position. This affidavit was subscribed to by C. Radcliffe, on behalf of the Jefferson Car Company, on the following grounds:

First: That the creditors of the Erie Company have a legal claim against Mr. Jewett to recover $100,000 taken by him from the Erie Company as an advance on several years' salary as President of said Company.

Second: That the present embarrassment of Erie is due in a large degree to present management of the Erie Railroad Company.

Third: That Mr. Jewett is not a resident of New-Jersey.

Fourth: That the present management of the Erie Company have ignored the rights of, or recognized the disposition of, a large 000 worth of bonds, for which the Erie Company only received 40 cents on the dollar.

Fifth: That relatives and friends of Mr. Jewett have been interested in depressing the value of stock and the credit of Erie, some of them largely selling the stock of this Company "short."

Sixth: That Mr. Jewett has interests adverse to those of the creditors of Erie.

Seventh: That the interests require the appointment of a receiver who is not so connected with the present management of the Erie Company.

Eighth: That the Company is so badly insolvent upon its own showing that there are not enough assets to pay even the debts of the Company, and therefore the only persons directly interested are its creditors, and their interest is antagonistic to any interest Mr. Jewett may have in the premises.

Ninth: That during the past ten months, the whole term of Mr. Jewett's management, the Company have run behind over $1,620,000 in addition to bonded and floating indebtedness of said Company.

Tenth: That as the New-York suit is for the purpose of forfeiting the charter of Erie because of its acts of usurpation, the interests of creditors who are to be protected by the courts of New-Jersey require that the property of Erie in this State and the rights of the creditors should be protected by a district membership administered by one of its own citizens.

Eleventh: That the Elmira Iron Company is a corporation controlled in the interests of the parties who have been interested in depreciating the value of the stock of Erie.

Mr. Abbett represented the Jefferson Car Company, and wanted testimony taken before the Master in Chancery. Mr. Parker represented the Elmira Iron Company, and Mr. Gilchrist represented the National Stock-Yard Company, and Attorney-General Van Atta the State of New-Jersey. The Chancellor took the papers and reserved his decision. The question of $5,000 due employes came up, and the Chancellor said that the act passed last Winter in relation to it was retrospective, and had no limitation.

A VERDICT FOR GEN. BUTLER.

The trial of the suit of Jasper K. Herbert against Gen. Benjamin F. Butler, to recover $10,000 alleged to be due for legal services in the cotton claim cases of Gazaway B. Lamar of Savannah, Ga., against the Government, was concluded in the United States District Court in Brooklyn, before Justice Benedict, yesterday. On the opening of the Court, John E. Devlin, counsel for Gen. Butler, moved a dismissal of the case on the ground that no testimony had been adduced to show that it was agreed that any sum of money should be paid by the defendant to the plaintiff. Mr. Devlin said that he wanted to make the motion as soon as the plaintiff had testified, but that Gen. Butler had insisted upon testifying himself. Col. John H. Bergen, counsel for plaintiff, opposed the motion and expressed astonishment that such a motion should have been made in view of the evidence. Justice Benedict briefly reviewed the evidence, saying that there were such strong statements of fact that he should direct the jury to find a verdict for the defendant and should set aside any contrary verdict. A verdict for Gen. Butler was accordingly entered.

RECOMMENDATIONS OF THE GRAND JURY.

The Grand Jury of the Court of General Sessions came into court yesterday morning, and, after presenting about 50 indictments, handed in three resolutions which they had passed. The first resolution was in reference to sidewalk obstructions. The jury condemned the placing of stands, goods, and packing-cases on the walks, and asked that measures should be taken for their removal. In another resolution the jury commend the management of the Inebriate Asylum, Soldiers' Retreat, and City Asylum for the Insane on Ward's Island and the Penitentiary and Charity Hospital on Blackwell's Island, which were visited by them on May 22. The third resolution was in regard to the loss of property by merchants and others through junk dealers. This was to the effect that the District-Attorney should be requested to present to the Legislature the suggestion that a law be made that when junk dealers or others shall have been found entitled to receiving stolen goods, they shall be imprisoned until the goods are returned or until a restitution is made.

CIVIL NOTES.

In the United States District Court yesterday 320 yards of silk and 4 cases of meerschaum pipes, supposed to have been smuggled, were condemned by default, no claimant appearing.

In the matter of the estate of Stacey Pitcher, John E Murray yesterday made application to Surrogate Hutchings for an order against William G. Annan and Mrs. Lemon, the executor and the executrix respectively of Mr. Pitcher's will, for them to show cause why they should not be removed on account of alleged abuses of their trusts in various ways. The charges made in the affidavits are the same as those reported in THE TRIBUNE of Monday. The Surrogate reserved his decision.

CRIMINAL NOTES.

In the case of James A. Duffy, convicted in the Court of General Sessions of an attempt at a felonious assault on Deputy Controller Larkin, and of error and stay of proceedings was granted yesterday on application of Duffy's counsel, A. H. Purdy and B. B. Foster, by Judge Donohue, in Supreme Court, Chambers. The chief ground of error alleged is a variance between the indictments and the verdict.

In the Court of General Sessions, before City Judge Sutherland, yesterday, Thomas McLernon pleaded guilty to forgery in the third degree and was sentenced to the State Prison for 2 years. Charles Brenner, pleaded guilty to burglary in the third degree, was sent to State Prison for 2½ years. William Hyer was tried on an indictment charging him with larceny from the person and was acquitted.

COURT OF APPEALS.

ALBANY, June 1.—In the Court of Appeals Tuesday, June 1, 1875:

Motions.—Clark act. Donaldson.—Motion to extend time to serve case; upon motion of Mr. Nolan of counsel for appellant, after hearing Mr. F. Tilton for respondent in opposition, ordered that appellant have until August 1, 1875, to print and serve cases. Gilman act. Gilman.—Motion to extend the time to print and serve cases; Mr. Benedict for motion, Mr. Whitehead and Mr. Glover opposed; Court took the papers. Turner act. Reese.—Motion to have remittitur returned; S. Hand for motion; Judge Rapallo opposed; motion denied. Cate act. Weller.—Motion to dismiss appeal; upon motion of D. D. McKean of counsel for respondent, and after hearing G. A. Halsa for appellant in opposition, ordered that the appeal herein be dismissed with costs.

Appeals from Orders.—Nos. 218 and 219—Margaret E. Thorpe et, respondent, act. Torrance Farley and others, appellants.—Argued by E. L. Bush, of counsel for appellant, and by Walter Edwards, jr., for respondent. No. 220—John S. McLean, executor, &c., respondent act. William T. McLean and others, appellants.—Argued by F. Tilton of counsel for appellants, and S. W. Lawrence for respondent. Nos. 245 and 246—In the matter of Kalbfleisch.—Argued by Jno. H. Kinsebel for appellant, and F. P. Bellamy for respondent.

Proclamation made and Court adjourned to Wednesday, June 2, 1875.

DECISIONS—JUNE 1.

Supreme Court—Chambers—By Judge Lawrence.—Waters act. Crawford.—Motion granted with costs. Brooklyn White Lead Co. act. Tallmadge.—The motion to vacate the order of arrest denied with costs. Tallmadge act. Williams.—The final decree in this case having been approved of and signed by an otherjustice of this court, I cannot entertain the motion for an allowance which is now made. Rothschilds act. Gross.—Motion for leave to amend complaint is granted without costs. Rankel act. Conner.—Motion to vacate order of Justice Barrett is denied without costs. Spofford act. Sanuma Bay Co.—The motion to strike out certain portions of the defendants' answer as irrelevant and redundant. The answer was served in July, 1874, and it is objected to on the part of the defendants that as under Rule 23 such motion must be made within 20 days from the service of the pleading and before demurring or answering there is the most unbridled license in exercising this point, and I cannot disregard it. Motion denied with $10 costs. Barkley act. Ortel.—Motion to vacate attachment is denied with costs; (see 6 Abbt. 374; 16 How. 77; 8 Abbt. 78; 17 How. 554; 11 Abbt. N. S. 407). In the matter of the Receivership of the American Diamond Drill Co.—I am of opinion that the order appointing a receiver for the receiver opposes the motion without having something before me other than the mere affidavit of the parties. I shall, therefore, direct a reference to James A. Emott, Esq., to take proof of the facts and circumstances stated in the affidavits, and to report the same with his opinion thereon to the court. The Mayor, &c., act. Tenth National Bank.—Order as prescribed. Mechlenbach act. Boner.—I have delayed signing the order in this case for the reason that after the papers were submitted some one appeared, and, as I understood, offered to file further papers or affidavits, or to be heard; having heard nothing further in regard to the matter, I have signed the order proposed. Knight act. Moore v.—I desire the counsel for Michael J. Maloney to file written points, stating where in his client has been overcharged, and the counsel opposed to reply to such points, to be filed within eight days from this date. Parsons act. Parsons.—Order granting plaintiff's motion for a receiver; upon the motion on the papers and affidavits—first, I do not think that I have the power to interfere with the discretion vested in the executor by the will, part certainly as I cannot find in the papers presented that the executor is acting *mala fide*. (Mason act. Jones, 3 Edwards, ch. 8, 497); second, it seems to me that the application should have been made on a complaint and not obtained by the order to show cause, and not in pursuance of Sec. 244 of Vol. 2, Pow. P. R., 1381; motion denied, but under the circumstances without costs. In the matter of Hays.—In this case a mandamus is asked for commanding the Surrogate to enforce an order heretofore made by him in reference to an accounting; it is alleged that the accountant is now in contempt for a violation of the peremptory order of the Surrogate's order, and this Court is called upon to compel the Surrogate to moderate the power and dignity of his court. There may be precedents for such an application, but none have been submitted by the counsel applying for the writ, and I know of none. Application refused. Paxson act. M. tz.—In this case it appears to my mind that the vigilance of the plaintiff's attorney seemed the parent of the judgment, and I would most willingly grant costs if I thought I had the power, but it seems to me that by accepting the amount tendered the attorne waived the previous default, and that by applying to the court on the return day for costs he allowed the proceedings to come to an end, and that my power in the matter ended in the case. The motion is therefore denied. In the matter of Platt.—Granted. Bank of North America act. Flushing Railroad Company.—This is a hard case, but I am of the opinion that inasmuch as the referee died before the reference was concluded, and without making a report, the decedent's estate is not obliged to pay the fees which had accrued up to the time of the referee's death. The receiver might have demanded his fees from day to day. Not having done so, he must be deemed to have waived his right to them on it a final determination of the case, and he died before that was reached. The parties were therefore compelled to proceed *denovo*. The costs must be equitably adjusted by striking out fees allowed to former referee. Tyng act. The United States Submarine and Torpedo Boat Company.—This motion is denied on these grounds. First: The motion for relief on the merits or on merits or partiality on the part of the referee has been once heard and denied. Second: On all the affidavits presented I am of the opinion that the charge of partiality or improper interest is without sufficient foundation. Third: The plaintiff's affidavits as to newly discovered evidence are flatly contradicted and overthrown by those read on the part of the defendants. Fourth: In view of the fact that the case has been approved by the Court of Appeals, I have no good ground for interfering. Stevens act. Stevens.—Report of referee confirmed and judgment of divorce granted in plaintiff. Rothschild act. Gross—Motion to change place of trial to Washington County is granted with $10 costs. Rulle act. Burnham.—The motion that the assignee in bankruptcy have leave to prosecute this action and serve a complaint therein should be denied, and the motion to dismiss the complaint granted. The motion was commenced by the service of the summons on the 25th day of December, 1868. On the 23d the defendant appeared and demanded a copy of the complaint. The defendant was arrested at the time of the service of the summons and held to bail in $1,000, and time to serve the complaint was extended from time to time up to Jan. 13, 1871, since that time there has been no extension. The petitioner in bankruptcy was appointed assignee on the 17th day of January, 1873, two years after the default in serving the complaint had occurred. This motion to be allowed to prosecute the action was noticed May 14, 1875. I deem it sufficient to say that there has been gross laches both on the part of the plaintiff and the assignee, and that the motion should not be granted. Motion to dismiss granted. Pritchard act. Pritchard.—The action is for a separation or limited divorce on the ground of cruel treatment, &c. The answer denies all the allegations contained in the complaint as to such treatment; plaintiff moves to refer the case and the motion is opposed by the defendant. This not being a case in which there has been a default, nor in which the answer admits the facts stated in the complaint, the court has no power to order a reference either to take testimony or to try and determine the issues. (See rule 87 and cases cited at foot of rule, code section 270 and 271). Motion for a reference is denied. Wemple act. The Society of the Church of the Puritans.—The motion to vacate the order of March 12 will be granted on these conditions: 1. That defendant serves a bill of costs and gives notice of the decision within five days from the entry of the order; 2. That defendant serves a bill of particulars in compliance with the order made for that purpose. 2. That costs of this motion and the unpaid motion costs referred to by the defendants' counsel be paid within said five days. 3. That the plaintiff stipulates to allow to the defendants on the trial of this action, credit for the payment made to Mr. Fellows and referred to in the points of Mr. Franx. 4th Cause to be placed on Circuit Calendar for trial for the first Monday in June, 1875. Dawson act. Hall.—I will not grant the order on the undertaking presented. Wilson act. Taylor.—It is claimed on the part of Mrs. Woodridge that this motion cannot be granted because the defendant, The Manhattan Savings Bank, has answered, and that Sec. 122 of the Code only allows such a motion to be made before answering; Mr. Sewell states in his affidavit that the time for the bank to answer does not expire until June 1 in the one action and June 3 in the other, before I can decide this motion I wish to be definitely informed as to whether the answers in both cases have been served, and, if so, when they were served. Young act. Young.—In this case I think that the defendant was not in default at the time the order of reference was granted, and that such an order was consequently premature; the order for the publication of the summons was made on the 6th of February, 1875; the defendant was personally served out of the State on the 8th day of February, 1875; the order referring the case on default was made on the 8th day of March, 1875, just 24 days after the order for the publication of the summons. The Code provides the personal service of the summons and complaint on the defendant without the State is equivalent to publication and deposit in the Post-Office (Sec. 135); therefore where, under an order for the publication of a summons, personal service is made beyond the State, the mailing of the summons and complaint became unnecessary. Such service takes not however become effective until the time prescribed by the order for publication has expired. (See Abrahams act. Mitchell, 8, Abbt. 123; Richardson act. Bates, 23, How 216 1, Wait's Practice 527, 530, 531, and cases cited.) The defendant was entitled to 42 days from the time when the order of publication was made, and to 20 days additional within which to serve his answer; he was not then in default when the reference was ordered under these circumstances; I cannot grant the decree. Greene act. The Mayor, &c.—The affidavits read on the part of the defendants seem to excuse in a measure the laches on the part of the defendants in not setting up all the defenses which the defendants claim that they have to this action; the defense in which these defendants first has been twice sustained by the General Term of the Court, and it was only after an appeal to the Court of Appeals that the first defense was ascertained to be unfounded; the defendants now assert that they can prove that there was fraud in the letting of the work, and that they can show that the prices agreed to be paid for the work were greatly exorbitant and excessive; if such is the fact I am of the opinion that the defendant should be allowed to show and prove the fraud. The question then becomes one of terms. I will allow an amendment of the answer on these terms: First. That the defendants pay all the costs and disbursements of the action, including the costs and disbursements in the Court of Appeals, and exclusive of the costs and disbursements in the appeals to the General Term; Second. That they pay the costs of this motion; Third. That the case retain its place on the calendar and that the defendants stipulate to try the cause at the June Term; Fourth. That the amendments be served within two days. N. Y. State Loan & Trust Co. act. The Cook County Bank.—Without passing upon the sufficiency of the verification of the answer first served, I am of the opinion that under the circumstances the plaintiff must be deemed to have waived the defect of the verification, if any existed. The time to answer expired April 15. The plaintiff waited until the 19th, just four days after the pleading had been served and three days after the expiration of the time to answer, and then returned the pleading. If they intended to put the defendant in default I think they should have manifested such intention before the defendants were remediless. (2 Wells' Practice, 344, and cases cited.) Motion that answer first served stand granted.

By Judge Donohue.—Loch act. Williams.—Cost of allowance, $50. Held act. Loeca; Friend act. Sprent; Toner act. Toner; In the matter of Murray; Cutting act. Stevens; Cutting act. Stevens (No. 2); Mount act. Equitable Insurance Company act. Fay.—Granted. Brennan act. Goodwin; Edwards act. Hathaway; Keegan act. Smith.—Motions granted. Duncan act. Norcross.—Motion denied.

Superior Court—Special Term—By Judge Van Vorst.—Miner act. Bedman et al.—Motion granted on terms, order to be settled on notice. Keyser, &c., act. Kelly, executor, &c.—The issues raised in this action are properly triable before a jury; the motion to advance under the Act of April 26, 1872, is granted. Dudley act. Stevens (No. 2).—Plaintiff thinks that the defendant's laches is secured; moreover, the defendant's case as to a defense is considerably overborne by affidavits on plaintiff's behalf; motion denied.

By Judge Curtis—Marsh act. Ely.—Motion denied, with $10 costs to defendant to abide the event of the suit. The New Haven Coal Mining Company act. Gallagher.—Dismissed, with $15 costs to defendant.

Court of Appeals—ALBANY, June 1.—The following decisions were handed down to-day in the Court of Appeals: Judgment affirmed, with costs—Edmonson act. Auditor Marsden act. Cornell. Judgment reversed and new trial granted, cost to abide event, unless plaintiff stipulates to reduce the recovery by deducting from the judgment $1,687 86, and interest from Dec. 1, 1872, as the Statute of March, 1871, amendatory of the Revised Statutes, is construed to be, and the recovery to be $2,0.6 44; and it so modified and reduced, judgment affirmed without costs to either party in this Court.—Jones act. Barlow. Judgment affirmed.—Weyman act. The People. The People act. Tompan; Surrein act. The People. Order affirmed with costs.—The People ex rel. Ward act. Amen; The People ex rel. Deerhe act. Green; The People ex rel. Yamchiend act. Asten. Order of General Term modified by remanding the proceedings for retrial at Special Term, costs to abide event.—In the matter of the petition of Ketelhas to vacate an assessment; in the matter of the petition of Barnett to vacate an assessment, &c., act. The Mayor, &c., of New-York. Appeal dismissed without costs.—Klagel act. Galvin. Motion for reargument denied with $10 costs.—Gillespie act. Fittlove.

CALENDARS—THIS DAY.

SUPREME COURT—CHAMBERS—LAWRENCE, J.

2nd—Smith act. Cornell.
343—Hausenhaus agt. Sterling.
342—Cole act. Koontze.
335—The Mayor, &c., agt. Lewis.
310—Schelley act. Diehl.
348—Wright act. Wright.
335—Schwartz act. Myers.
337—Mott agt. Cooper.
349—Matter of the Rockskill Flow Works.
263—Whalen act. Burke.
334—Fennell act. Weber.
304—Horgress act. Jessup.
369—Matter of Vetkerna.

OYER AND TERMINER—BRADY, J.—John Powers, homicide.

All other Courts have adjourned for the term.

COURT OF APPEALS—ALBANY, June 1.—The day calendar of the Court of Appeals for Wednesday, June 2, is as follows: Nos. 61, 62, 64, 14, 13, 45, 53, 31.

THE STATE OF TRADE.

DOMESTIC MARKETS.

ALBANY, N. Y., June 1.—Wheat dull. Rye lower, and selling in the street at $1 03. Corn heavy; sales two cars No. 2 low mixed Western at 78c. Malt firm, with steady demand at full prices. Oats dull; sales one bag but State at the Susquehanna Sep of 72c.

BALTIMORE, June 1.—Flour dull and unchanged. Wheat steady; Pennsylvania Red, $1 22@$1 23; Mar land Amber, $1 27@$1 28; do. White, $1 30@$1 32. Other grades unchanged. Corn firm; Southern White, $1@$1 05; do. Yellow, $1. Western Mixed, 81½c. Oats dull at 47. Southern, 73@78c. West rn White, 71@74c. do. Mixed, 71@72c. Rye dull at $1 15. Hay dull and unchanged. Provisions nominally unchanged. Pork, $20 25@$21 50. Lard dull and nominal; Refined, 15@15½c. Steam, 15c. Butter firm and unchanged. Petroleum nominal; Crude, 6½c. Refined, 13@ 21c. Coffee quiet and nominally unchanged. Whisky dull, heavy, nominally $1 19@$1 20.

BOSTON, June 1.—Flour dull and prices almost entirely nominal; Western Superfine quoted at $4 50@$4 75; Common Extras, $5@$5 50; Wisconsin and Minnesota Extra, $5 50@ $6 50. White Wheat, Ohio, Indiana, and Michigan, $6 25 @$8 25. Illinois, $5 50@$7 50; St. Louis, $5 50@$8 50; Southern Flour dull at $5@$8 50 for Common Extras and Choice Family; Fancy Minnesota, $7@$8 75. In Corn there is very little change and market is dull; sales, Mixed and Yellow at $2@$2 05c. Oats, 73@78c. for Mixed and White. Rye, $1 1. Barley, Choice Feed, and Middlings, $24@$27. Receipts—Flour, 7,800 bbls. Corn, 3,600 bush.; Wheat, 1,250 bush.; Oats, 3,550 bush.

BUFFALO, June 1.—Receipts by Lake—Flour, 10,450 bbls. Wheat, 143,000 bush. Corn, 60,000 bush. Receipts by Rail—Flour, 3,300 bbls. Wheat, 12,000 bush. Corn, 5,000 bush. Oats, 24,000 bush. Shipments by Rail—Flour, 3,000 bbls. Wheat, 32,000 bush. Corn, 73,000 bush. Oats, 34,000 bush. Shipments by Canal to Tonewater—Wheat, 47,000 bush. Shipments by Canal to Interior Points—Wheat, 5,500 bush. Corn, 7,000 bush. Oats, 1,200 bush. Canal Freights—Wheat, 6¾c. to New York; Corn nominally 6c. Oats, 4c. Flour dull; 480 bbls. sold at the range. Wheat inactive, adding $1 51 for No. 2 Milwaukee Club and $1 16 Corn dull; sales of 1,000 bush. sample at 67c. Oats lower and quiet; sale of 10,000 bush. Western at 67c. Rye and Barley—None here. Seeds inactive. Pork quiet, $21 50 for Heavy Mess. Lard quiet at 16c. Highwines nominal.

CHICAGO, June 1.—Flour quiet and unchanged. Wheat in fair demand and lower, closing firm; No. 1 Spring, 94 2-16c. No. 2 Spring, 93c. No. 3 do. special, 91½c. Rejected, 80c. Corn lower and in fair demand; No. 2 Mixed, 59c. Regular, 60c. spot or June, 67½c. bid July, 69½c. Asked. No. 2 Yellow, 70c. Oats quiet and lower; No. 2, 37½@38c. Rye dull and lower; No. 2, $1. Barley quiet and weak, lower; No. 2 Spring, $1 14@$1 16 spot, 90c. September. Pork dull and lower, $19 75, spot or June, $20. July, $20 30. August, Lard dull, drooping; $14 0 @ 14 22½ spot or June, $14 37½. July, $14 50. Meats quiet, unchanged. Whisky, $1 15. At the afternoon call of the Board Wheat firm at 91½c. June, 94c. July.