# THE BOOK FAIR.

## OPENING OF THE BOOKSELLERS' EXCHANGE AND CLEARING-HOUSE.

CAUSES FOR ESTABLISHING THE NEW SYSTEM—FAULTS OF THE OLD TRADE SALES—RESULTS OF THE NIAGARA CONVENTION—HARMONY OF FEELING IN THE TRADE—FAVORABLE PROSPECTS OF THE FAIR—LIST OF CONTRIBUTORS.

The opening of the Book Fair, or the "Booksellers' Exchange and Clearing-house," as it is officially designated, at Clinton Hall yesterday morning, marks the abolition of the old trade sales and the introduction of a new system of offering books, which it is claimed is more in consonance with true business methods. The old trade sales were started a score or more of years ago, under the auspices of the Committee of the trade, before the present railroad, express and telegraphic net-works offered the facilities now existing for extending sales over the country. The purpose of those sales was to get the trade from different quarters together in some one center, that buyers and sellers might be brought directly in contact, that each class might learn from the other the "points" either had to give, and be therefore better able to transact business intelligently, and that the publisher might be enabled to "place" his publications more widely.

These auctions were long conducted by the veteran house now known as Bangs, Merwin & Co., but some dissatisfaction caused their transfer to the firm of Geo. A. Leavitt & Co., who proposed to be more amenable to trade control. But the Trade Committee, of which Wm. H. Appleton was Chairman, soon became again a merely nominal committee, whose names were printed as a matter of form on the auctioneer's circular, and the dissatisfaction was renewed, the system itself being called in question. Many houses declined to become contributors, and several of them protested against the auction system by establishing what they called "special sales" during the Spring and Fall seasons, at the time of the trade sales. At these they offered lower terms than at other times in the year—the present plan of the Fair—and among the houses who pursued this policy were Harper & Bros., New-York; T. B. Peterson & Bros., Philadelphia; and other large dealers. The buyers at the trade sales in later years were largely from "Nassau-st.," as the class of second-hand or cheap booksellers came to be designated, and they put the books sold on the market at prices with which the dealer who kept a full stock in a regular book store and paid his debts could not compete. Moreover, it was claimed the buyer was induced, by the excitement of the sale or by low prices which promised bargains, to buy more of a certain line of goods than his local trade demanded, and thus he went home with much of his capital locked up in "dead stock," and was prevented from turning over that capital, coming back to the trade centers with his money and buying new stock. Instead of promoting trade, the trade sales became thus an impediment to quick sales and sound trading. Even "Nassau-st." found that it could not stand the increasing injuries to the trade, and some of the chief supporters of the trade sales from that quarter of the city were loudest against the system.

Meanwhile the publishers were selling at a considerable expense for commission and cataloguing—about double that of the new Book Fair plan—and frequently disposing of whole lines of goods below the cost of production. Sometimes they would sell a large line—as the Scribners once sold 50,000 copies of Marion Harland's cook-book—at satisfactory prices, but in other cases, for one of a dozen reasons, books would be sacrificed at wholesale. Much depended on the place in the catalogue, for toward the end credit would be nearly exhausted, and any temporary excitement would draw off attention from a whole list. Once during the Franco-German war a startling piece of news came out in an afternoon extra, just as one of the best invoices of the sale was going on the stand. Every one rushed for the news, and the publisher found his stock legally sold out at about a quarter of its prices, and at scarcely more than half the cost of putting it on his shelves again, as he had to do. Thus much of the deterioration of the book trade was attributed to the trade sales, and in *The Publishers' Weekly* and *The American Bookseller's Guide* correspondents from all sections of the trade called to the publishers to put a stop to such suicidal methods.

ORIGIN OF THE REFORM MOVEMENT.

What is known as the "reform movement" began with some smaller dealers in Ohio, who put in practice the suggestions of *The Publishers' Weekly*, that there should be a general convention of the trade. A meeting of consultation was held, the Rev. J. W. Gunn being the organizing head, in 1873, and the Cincinnati Convention, called by Ohio retailers and others in neighboring States, brought together about 60 members of the trade, chiefly from the West, in February, 1874. A chief point of attack was the trade sales, which were denounced as "a leading cause of the present demoralization, and detrimental to the interests of the whole trade—an evil which should be remedied by publishers declining to contribute and by dealers generally abstaining from buying."

This Convention, which organized the "American Book Trade Union," was not sufficiently national to produce much effect, except as a fulcrum for future work. Isaac C. Aston of Columbus, Ohio, came East to urge the claims of its principles to recognition by the publishers, but his chief success was in obtaining their promise to be represented at a National Convention called for July, 1874, at Put-in-Bay. It was at that Convention that the present national organization, the American Book Trade Association, was formed, the previous body being merged in its successor. The platform of what the "reform movement" has as its foundation was then adopted, and the appointment of a committee on a Book Fair, consisting of Wm. H. Appleton, Chairman; Isaac G. Sheldon, Secretary; A. C. Barnes of New-York, J. B. Lippincott of Philadelphia, Wm. Lee of Boston, Gen. A. C. McClurg of Chicago, and Martin Taylor of Dubuque, was a part of the work of the Convention. The resolution under which they acted was as follows:

*Resolved*, That, in view of the insufficiency of the present system of trade sales, and also of commercial travelers, to meet the wants of the trade, in lieu thereof this Convention appoint a committee with power to establish and conduct a semi-annual Book Trade Sale or Fair, at which the publishers shall offer their assortments during the period of the sale or fair at special terms to the trade.

THE WORK OF THE NIAGARA CONVENTION.

The function of the recent annual Convention of the Book Trade Association, just held at Niagara Falls, proved to be chiefly to inspire the trade with enthusiasm for the reform, and to provide for the more thorough and effective workings of the Put-in-Bay platform. The first part of this work was accomplished chiefly through the admirable addresses and ever-present humor of the President, Mr. Randolph, and the encouraging reports of dealers from different sections of the country, in the "experience meetings" wherein those present related their grievances in the past and the hopes partial success during the year had given them for the future. Mr. Randolph has the highest ideal of his calling, and all his work aims to inspire the entire trade with this ideal. His opening address gave this tone to the Convention. He stimulated it to the highest conception of the work before it, and he closed by showing that the reform was in no wise a movement to get publishers to advance the price of books, or a selfish union in any sense, but a movement to give the trade the fair profit on the existing prices which should enable it to live, a movement, therefore, in which none were more interested than the book-buyers, the educators, the philanthropists of the country.

This address of Mr. Randolph was supplemented by remarks of the same tendency all through the three days. Among the most noteworthy of his utterances was the tribute he paid to George P. Putnam of New-York, in calling his son to the floor: "More than 40 years ago," said he, "when I was a mere lad, there was a man in the book trade whose face and name come back to me by the sight of a face before me. He had always for me a kind and gentle word. It is almost needless to state how, more than any other man in the trade, he took by the hand the American author and developed American literature. He passed from us a few years ago, leaving a name which reflects honor upon the profession to which he belonged. To-day he is worthily represented on this floor by his son, Mr. Putnam of New-York."

LEGISLATION OF THE CONVENTION.

The fear of most of the thoughtful men in the trade was that the Western retailers, who are least likely to look at these matters from the publishers' point of view, and who were sure to be in the numerical majority, would endeavor to pledge the Association to extreme measures, in which the publishers could not join. Some also feared a rupture between different interests in the trade, especially since the leading house in Philadelphia, which had kept aloof from the Association, had proposed a radical measure, far beyond the Association platform, which it was known many members favored, but which the publishers generally held to be quite impracticable at present. Such, however, was the unanimity of the meeting that this plan was scarcely brought up at all, and the greatest good feeling was called out by the announcement that the house in question—J. B. Lippincott & Co. of Philadelphia—had joined the Association. Col. George Wood of the firm, who explained their previous position from the platform, was greeted with the warmest applause, as was also Patrick Farrelly, general manager of the American News Company, whose position there was also some question. Since the return to New-York it has been stated that the leading underseller of Boston has signified his adherence to the movement, and that the prominent firm of those which have been averse to the movement in New-York is also willing to "fall in."

The chief points made by the Convention in its legislation were two: The first series of resolutions did not make any demands upon the publishers, but in view of the threatened withdrawal of capital and brains from the book business consequent upon "underselling," requested them to cause their prices to be maintained by jobbers and retailers and to prevent "undersellers"—that is, those selling in contravention of the reform platform—from ruining the trade, by lessening the trade discounts to them. The Convention wisely refrained from attempting to make any discrimination between members of the Association and non-members in this respect, its aim being not to make a "ring" or close corporation, but to promote sound business methods. The other leading legislative measure was a restatement and definition of the rule as to reductions, to get rid of the "20 per cent rule," and to provide against such misunderstandings in the future as there had been during the past year. To this were attached provisions allowing for the exceptions made by the Publishers' Board of Trade, and making it possible for houses to join the Association without putting their hands while the reform was not yet generally accomplished. The latter has before been given, but it is well to repeat it:

In case the rules of this Association should, under exceptional circumstances, work injustice to any dealer, in competition with other parties, said dealer may state his case to the Arbitration Committee, and this committee shall have power to authorize him to take such measures as will meet the emergency, after notice has been given and the like liberty granted to the other dealers directly concerned.

There were long and earnest discussions in the Convention over the questions of the best way to dispose of unsalable books, and over the revenue laws regarding books, the latter debate being participated in by the most prominent men in the trade. Ex-Mayor Houghton of Cambridge, William Lee of Boston, Sheldon of New-York, Coates of Philadelphia, Stevens of Cincinnati, and others, spoke in favor of further legislation, while Randolph and Christern of New-York and several Western men spoke against it. Sentiment was generally divided on this point, and no action was taken on either question. A strong resolution against the postal law increasing rates was directed to be sent to Congress. Committees were appointed to obtain full information as to the laws governing the religious publication societies, to forward efforts to form local organizations of the trade throughout the country, to promote a full representation of the trade at the Philadelphia Centennial, and to prepare circular letters explaining the necessity of the present movement to libraries and book buyers generally.

THE PRESENT BOOK FAIR.

The report of the Committee on Book Fair was read during the first day, by Isaac E. Sheldon, and members of the Convention were several times urged from the platform to give general support to the experiment. The business plan has already been given in full in THE TRIBUNE. George A. Leavitt, head of the firm of managers, was present at the Convention until obliged to return to complete arrangements here. About a third of the members of the Convention came to New-York and to the Fair by special train after the excursion to Toronto, Friday night, and others have been coming in since, while many who were not at Niagara are on the way. All expressed gratification with the results of the Convention and hope for the future. They were generally pleased with the substitution of the Fair for the trade sales, although many took exceptions to some of the details. These exceptions were chiefly to the giving of indorsed notes, required by the terms of sale, which some claim reintroduces a bad system of which the trade had nearly ridden itself. It is asserted by others that this was a feature of the old sales which was not criticised, and that it is necessary in such a general sale. Other persons complain that the commissions allowed the managers are too high; and some publishers at first talked of making this up on their prices. More liberal sentiments, however, are prevailing; the Harpers have made exceptionally low terms, and others are following suit, the general feeling being that to get the trade together under such circumstances is worth some sacrifice, if necessary, at the start. It is conceded to be very important to make this Fair a reasonable success to prevent any return to the trade sales, and the Committee state their intention to modify the rules in any respect in which the experience at this Fair shall show to be wise. The matter is altogether in their hands, and the managers will accede to such arrangements as they make.

THE CONTRIBUTORS.

At this first Fair, any publishers or stationers may offer goods for sale, and any house in the trade offering satisfactory paper may purchase. After this sale, by resolution of the Convention, only members of the American Book Trade Association will be allowed to participate. The arrangements for contributors were not completed yesterday, nor did the carpenters work like the artisans at Solomon's Temple. The Fair will not fairly get under way until Wednesday, but the display of books is already remarkable, including by close estimate, considerably over 35,000 individual volumes. The list given below, of the number of samples shown by individual contributors, gives an interesting view of the bookselling production of the country. The figures vary somewhat in character, as some of the houses named exhibit their full stock, in various bindings, while others present only a few samples, but in the main they are relatively fair.

BOSTON.

| | | | |
|---|---|---|---|
| Brewer & Tilesten (not yet represented). | | Little, Brown & Co. | 615 |
| Davis, Robert S. & Co. (not yet represented). | | Locke & Baker | |
| Dixon, Oliver A. & Co. (not yet represented). | | Lockwood, Brooks & Co. | 140 |
| Estes & Lauriat (not yet represented). | | American Tract Society (Boston) | 90 |
| Graves, A. F. | 132 | Loring, D. & Co. | 467 |
| Gill, Wm. F. & Co. | 52 | Nichols & Hall | 6 |
| Lee & Shepard | 1,200 | Osgood, J. R. & Co. | 1,000 |
| | | Pease, L. & Co. | |
| | | Roberts Bros. | 175 |
| | | Thompson, Brown & Co. | 50 |

NEW-YORK.

| | | | |
|---|---|---|---|
| Adams, Victor & Co. | 20 | Nelson & Phillips | 2,376 |
| American News Co. | 280 | Nelson, Thomas & Sons (besides books and prayer books) | 1,500 |
| Anthony, E. & H. T. Co. (Albums.) | 90 | Osbiston, F. | 553 |
| Appleton, D. & Co. | 80 | Patterson, F. B. (copy and drawing books) | 50 |
| Authors' Pub. Co. | .... | Tompkins, K. | |
| Baker, Pratt & Co. | .... | Potter, Ainsworth & Co. | |
| Barnes, A. S. & Co. | 350 | Putnams Sons, G. P. | 498 |
| Carleton, G. W. & Co. | 250 | Randolph, A. D. F. & Co. | 120 |
| Cassell, Petter & Galpin. | 517 | Routledge, Geo. & Sons, (best school books) | 569 |
| Clark & Maynard | 140 | Sabin, J. and Sons | 250 |
| Collins & Brother | 55 | Scribner, D. and J. & Co. | 1,000 |
| Denham, A. | 200 | Schmidt, L. W. | 30 |
| Dick & Fitzgerald | 300 | Scribner, Armstrong & Co. | 450 |
| Dodd & Mead | 20 | Scribner, Welford & Armstrong | 900 |
| Dodge, D. P. & Co. | 1,5 | Scholton & Co. | 6 4 |
| Fords, J. B. & Co. | 140 | Sowerby, Charles P. | 24 |
| Hale, Cushing & Son | 25 | Stanger, E. | (Gloves) |
| Happy Hours Company (pamphlets) | 165 | Strong, T. W., late E. Benjamin & Bro. | 287 |
| (games) | 41 | University Publishing Co. | 42 |
| Harper & Brothers | 4,100 | United States Pub'g Co. | 28 |
| Hurlburt, P. M. | 80 | Virtue & Yorston | 42 |
| Hutton, H. L. & Co. | .... | Van Nostrand, D. | 54 |
| Holt, Henry & Co. | 310 | Warren & Wyman | 65 |
| Hurd & Houghton | 600 | Whilldin, W. J. | 310 |
| Felson, Blakeman, Taylor & Co. | 210 | Wiley, John & Son | 200 |
| Kouns, Lawrence C. P. | .... | Wood, Wm. & Co. | 111 |
| Society | 212 | World Publishing House | 202 |
| Kennedy, J. C. | 200 | Worthington, R., & Co. | 807 |
| Lee, Shepard & Dillingham (in Boston) | .... | | |
| Messrs. Bros. (not yet represented) | .... | | |
| Mecklin & Co. | 900 | | |
| Miller, James | 207 | | |

PHILADELPHIA.

| | | | |
|---|---|---|---|
| Baird, Henry, Carey & Co. | 31 | Kelly, T. | |
| Barnes, S. B. & Co. | 100 | Lippincott, J. B. & Co. | 2,000 |
| Claxton, Remsen & Haffelfinger | 480 | McElrath, T. & Co. | 50 |
| Healey, Charles | 80 | Peterson, T. B. & Bros. | 1,000 |
| Hartshorne, Wm. W. | [Albums] | Porter & Coates | 148 |
| Robbins, A. J. & Co. | 100 | Porter, John E. & Co. | 125 |
| | | Sherman & Morgan | 90 |

HARTFORD.

| | |
|---|---|
| Bliss, R. W. & Co. | 12 |

SPRINGFIELD.

| | |
|---|---|
| G. & C. Merriam | Dictionaries |

BALTIMORE.

| | |
|---|---|
| Kelly, Piet & Co. | 135 |

BUFFALO.

| | |
|---|---|
| Martin Tayler | — |

TROY.

| | |
|---|---|
| H. B. Nims & Co. | — |

NEW-BEDFORD.

| | |
|---|---|
| Taber, Charles & Co. | — |

NEWARK.

| | |
|---|---|
| Bliss, P. C. & Co. | 12 |

STATIONERY.

NEW-YORK.

| | |
|---|---|
| Chamberlin, Whitmore & Co. | Preble, J. Q. & Co. |
| Barnes, Samuel & Co. | Charles D. Pratt. |
| Edward S. Brown. | Robert Shelton. |
| Eberhardt, Van Auw & Co. | C. S. Sampson & Co. |
| Berlin & Jones Engraving Co. | Kaufmann & Jones. |
| American Lead Pencil Co. | R. Crandall, agent. |
| Carter, Dinsmore & Co. | Albanus & Dubois. |
| Porter & Ballantine. | |

SPRINGFIELD.

| | |
|---|---|
| Powers Paper Co. | |
| Union Ink and Paper Company. | |

HOLYOKE.

| | |
|---|---|
| Massasoit Paper Company | Manufacturers of Writing Paper. |
| Union Paper Company | |
| Writing Paper Company | |

No opportunity has ever before been afforded to see the book production of the country thus brought together. Indeed the facilities for showing are better than at the home stores or by "drummers," for all the samples are here collected together. The books are arranged on long racks. Henry Holt & Co., show for the first time samples of a uniform set of Bancroft's works, in twelve 12mo. volumes, which they have prepared expressly for this Fair. There is as yet but mild curiosity to admit of many sales; the champion sale-man was Mr. Kimball, the partner representing Lippincott & Co., who arrived in town late on Sunday night, was on hand at 5 o'clock yesterday morning looking out for his stock, and sold the first bill of goods under the auspices of the American Book Trade Association. Most of the large houses are represented by partners with clerks. Among those present yesterday morning were Wm. Lee, A. F. Graves, Wm. F. Gill, R. H. Tickner of Boston; H. H. Kimball, Edmund Claxton, R. Porter, Thos. Peterson, T. B. Peterson, jr., of Philadelphia; J. Abner Harper, W. S. Appleton, J. W. Pennington, C. P. Dillingham, H. E. Curtis, F. H. Dodd, G. A. Clapp, P. J. Hale, Mr. Houghton, Fredrick Macmillan, Smith Sheldon, I. E. Sheldon, W. J. Widdleton, John Wiley, and other partners of New-York houses. The attendance of buyers promises to be large, and already includes Mr. Jansen of Chicago, Baker of St. Louis, Bragg of Cincinnati, and other representatives of large distributing houses. The full number of purchasers will not be seen for a day or two.

## THE WATER SUPPLY IN PHILADELPHIA.

*From The Philadelphia Inquirer.*

We are admonished by the journals of other cities, and in no unfriendly spirit, to put our house in order for our Centennial guests, and above all things to have prepared for them the needful cup of pure, cold water. THE TRIBUNE devotes a leading editorial to this matter, based upon strong premises; but are we not putting our house in order? * * * The Committee of Experts recently appointed by City Councils to devise means to provide an ample water supply is already hard at work, and it is expected presently to report a plan comprehensive enough to give Philadelphia all the water required under either this year's ordinary, or the extraordinary circumstances of the Centennial year. Whatever the Commission may recommend City Councils are ready to adopt, and promptly put into execution, so that there should be no fear of a short supply of good, pure water for our Centennial guests.

## NAVAL INTELLIGENCE.

The officers of the United States steamship Powhatan, which arrived here yesterday from Aspinwall, are Capt. Jouett, commanding; Lieutenant-Commander Chadwick, Executive; Lieuts. Forsyth and Jacob, Masters Curtis, Barkley, Vreeland, and Milton; Midshipmen McDonald and Cobb, Surgeon Burrank, Assistant Surgeon Urquhart, Paymaster Pritchard, Chief Engineer McIlvain, Passed Assistant Engineers Neboll and Cook, First Lieutenant Marines Young, Boatswain Aiken, Gunner Carter, Carpenter Myers, Sailmaker Boerum, and Captain's Clerk Richardson.

The officers returned as passengers are Capt. Colhoun, Lieutenant-Commander Nichols, Lieuts. Hubbard, Roisinger, Lee, and Perkins; Midshipmen Roper and Hotchkiss, Paymaster Hutchins, Chief Engineer Stoddard, Engineer Aston, Assistant Engineer Perry, Assistant Surgeon Smith, Gunner Dutcher, and Sailmaker Chevalier.

WASHINGTON, July 19.—Chief Engineer R. M. Bartleman of the wrecked steamer Saranac has been ordered to report for duty as Inspector of coal at the Philadelphia Navy Yard. Assistant Engineer John A. Tobey will be detached from the Fortune on her arrival at Pensacola, and ordered to return home and await orders. Mates Chas. W. Wilson and T. W. Benham have been detached from the Tallapoosa, and ordered to the Portsmouth.

# THE COURTS.

## LEASES MADE BY THE COMMON COUNCIL.

DECISION OF JUDGE BRADY IN THE CASE OF MARY A. SCHANCK AGAINST THE CITY—THE LEASE DECLARED VALID.

The Common Council passed an ordinance last April, which was approved by the Mayor, leasing from Mary A. Schanck a part of No. 27 Chambers-st., formerly occupied by branches of the United States Courts, for the use of the Marine Court, on condition that she should procure for its use the court furniture, then in the building. She bought the furniture of the United States, had a lease prepared, and presented it to the Controller for signature. He refused to sign it, on the ground that there were already more claims on the city for rent than the appropriation made by the Board of Apportionment would pay. She thereupon, by Beach and Brown, her counsel, applied to Judge Brady in Supreme Court, Chambers, for a mandamus to compel the Controller to execute the lease. Meanwhile the Marine Court took possession of and now occupies the premises. Judge Brady yesterday rendered a decision in favor of Mrs. Schanck, which is substantially as follows:

The power of the Common Council to determine upon a lease of premises for the use of the city is legislative and is unlimited, except as to the term of years. Section 18 of the charter of 1873 declares that the Common Council shall have no power to take or make a lease of any real estate, save at a reasonable rent and for a period not exceeding five years, unless specially authorized so to do by act of the Legislature. When the lessor calls upon the Controller to pay the rent accruing, it will be time enough to assert, if such be the fact, that there is no fund to which he can resort to perform that duty, and the Courts may then be called upon to consider the legality of such an answer. The question is not now whether the Controller is to pay, but whether he can prevent the exercise of legislative power expressly conferred upon the Common Council, by the assertion that there is no provision by way of appropriation made to meet the burden assumed.

If such be the effect of the charter it necessarily follows that no leases can be made until an appropriation has been made in contemplation of it, which it seems would be unwise and illogical. The lease might not be made owing to one of many causes which might intervene, and the sum designed to meet it would then have been unnecessarily named and included. It may also be said that, by the second section of the Act of 1874, Chap. 368, the Board of Estimate and Apportionment are given the power, at any time, to transfer any appropriation for any year which may be found by the head of the department for which such appropriation shall have been made to be in excess of the amount required or deemed to be necessary for the purposes or objects thereof, to such other purposes or objects for which appropriations are insufficient, or such as may require the same. It may well be doubted whether, if the city refused to pay because of an exhausted appropriation, the Courts would not require evidence that there was no such excess as the law just referred to contemplates. It is, however, unnecessary to pursue this subject further. It is apparent that that the objections urged by the Controller are not sufficient to prevent the success of this motion, and it must therefore be granted.

## PRIVATE INQUIRY FOR PUBLIC BENEFIT.

JUDGE BRADY'S OPINION IN REGARD TO AWARDS FOR A CHANGE OF GRADE IN ONE-HUNDRED-AND-TWENTY-THIRD-ST.

The Commissioners of the Central Park, in 1866, resolved to alter, under the law of that year, the grade of One-hundred-and-twenty-third-st. That grade had been fixed in 1853, and persons along the line had built houses with reference to that grade. The map of the change required by the law was not filed until July 24, 1867. Thomas Darragh and other owners of property along the line of the change, claiming to have been damaged by it, applied to the Board of Assessors for an award for damages. That Board allowed such awards, after consulting the Corporation Counsel, but the Board of Revision and Correction of Assessments, composed of Andrew H. Green, E. D. Smith, and Robert H. Hackett, struck them out. The persons who thus had been deprived of their awards applied to Judge Brady, in Supreme Court Chambers, for a mandamus to compel their restoration. The respondents admitted that, under the decision of the Court of Appeals in the case of Teresa Doyle, the relators would have been entitled to their awards, had the change of grade been ordered under the act of 1867, but claimed that it was begun under the act of 1866, which did not allow anything for such damages.

Judge Brady decides in favor of the relators in the following opinion:

As I understand the point taken upon the argument of the motions in these cases it is that the change of grade was made under the act of 1866, which makes no provision for compensation for damages sustained. If the act of 1866 was not in effect repealed by that of 1867, the latter was an enlargement of the former in regard to the damages to be awarded. The design of the Legislature must have been to accomplish by the act of 1867 a uniformity of rule in reference to damages resulting from a change of grade. It should not, unless made absolutely necessary by the terms of the statute, be adjudicated; that when a change of grade was made under the act of 1866, although not accomplished until after the act of 1867, no compensation for loss should be awarded, but if made in 1867, under the act of that year, it should be given to the injured party. These are kindred acts, and should be construed together. For these reasons I think the motion should be denied.

James A. Deering appeared for the relators; the Corporation Counsel for the respondents.

CIVIL NOTES.

A suit was begun by the Government, in the United States District Court yesterday, to confiscate eight barrels of apple brandy, discovered in the possession of John S. Emmons of Hudson, N. Y. It is alleged that the Revenue tax was not paid on the brandy.

Judge Donohue having decided that the People must give a bill of particulars explaining at length the claims against Tweed, growing out of the special audit of $6,000,000, which amount is charged against the defendant, Mr. Tweed's counsel have given notice to Mr. Peckham, as the counsel for the People, to settle the form of the order to-day.

DECISIONS—JULY 19.

*Supreme Court—Chambers*—By Judge Davis.—Willard agt. Fargo.—Application for resettlement of order denied.

By Judge Brady.—Van Riper agt. Tweed and ano.—Amendments settled. Darragh agt. Green et al.; Schanck agt. Green et al.—Demurrers.

By Judge Lawrence.—In the matter of Pennet: Warner act. The Pennsylvania Railroad Company.—Orders granted. Fleming agt. Tapping.—Record of former adjudication of judgment of divorce granted to plaintiff, with custody of child.

*Superior Court—Special Term*—By Judge Sedgwick.—Brevoort agt. Brevoort.—Demurrer overruled, with costs.

*Common Pleas—Special Term*—By Judge Larremore.—Goldsmith agt. Stein et al.—Motion denied, with costs to abide event.

CALENDARS—THIS DAY.

SUPREME COURT—CHAMBERS—WESTBROOK, J.

8. Jones, &c., agt. Fairchild, &c.
10. Jones, &c., agt. Fairchild, &c.
41. Rylands, &c., agt. Schaubolt.
41. Babcock agt. Hazard.
45. Ella Asch of America agt. Hodges.
46. Norris, &c., agt. Hazard.
47. Brevoort agt. Hazard.
84. Vanderbilt agt. Vanderbilt.
84. Armstrong agt. Vanderbilt.
85. Phyfe agt. Carman.
91. Dubois agt. Dubois.

Off No. 101.

GENERAL SESSIONS—SUTHERLAND, J.—John Brennan, Joseph Fields, John R. Fields, Pietro Sorritti, Edward Carroll, burglary; Martin Bosinan, Patrick Haggerty, Bernard Smith, Daniel McCarty, Daniel McSherry, Daniel Gerth, Sarah Martin, felonious assault and battery; Antonio Restocier, John Moore, David A. Mesina, Bernard Gilroy, Farrell Price, William Sharp, James Kennedy, grand larceny; James King, disorderly house; John Lucas, indecent exposure; William Thompson, Thomas Daly, John Wood, Chas. Daly, assault and battery.

## DEPARTURE OF FOREIGN MAILS.

TUESDAY, JULY 20.

For Europe, via Queenstown and Liverpool, by the steamship Idaho, mails close at 12:00 m. A Supplementary Mail is closed at 2:00 p. m. Steamship sails at 3:00 p. m., from Pier No. 46 North River.

For Belgium direct, by the steamship Switzerland, mails close at 6 a. m. Steamship sails from Pier No. 2, North River, at 7 a. m.

For Havana, Cuba, by steamship Columbus, mails close at 2 p. m. A Supplementary Mail is closed at 2:30 p. m. Steamship sails at 3 p. m., from Pier No. 13, North River.

WEDNESDAY, JULY 21.

For Europe, via Queenstown and Liverpool, by the steamship Algeria, mails close at 1 a. m. No Supplementary Mail. Steamship sails at 7 a. m., from Cunard Dock, Jersey City.

THURSDAY, JULY 22.

For Europe, via Plymouth, Cherbourg and Hamburg, by the steamship Frisia, mails close at 11:30 a. m. A Supplementary Mail is closed at 1:30 p. m. Steamship sails at 2 p. m., from Pier at foot of Third-st., Hoboken.

For the Netherlands direct, by the steamship Caland, mails close at 11:30 a. m. Steamship sails from Pavonia Ferry, Jersey City, at 2 p. m.

For Nassau, N. P., and Havana, Cuba, by the steamship City of New-York, mails close at 2 p. m. A Supplementary Mail is closed at 2:30 p. m. Steamship sails at 3 p. m., from Pier No. 3, North River.

FRIDAY, JULY 23.

For Brazil, the Argentine Republic, and the West Indies, by the steamship Merrimack, mails close at 1 p. m. A Supplementary Mail is closed at 2:30 p. m. Steamship sails at 3 p. m., from Pier No. 43, North River.

SATURDAY, JULY 24.

For England, Ireland, and Wales, by the steamship City of Berlin, mails close at 6 a. m. No Supplementary Mail. Steamship sails at 9 a. m., from Pier No. 52, North River.

For Scotland only, by the steamship California, mails close at 7 a. m. No Supplementary Mail. Steamship sails at 10 a. m., from Pier No. 20, North River.

For France, direct, by the steamship Amerique, mails close at 6:30 a. m. No Supplementary Mail. Steamship sails at 9:30 a. m., from Pier No. 50 North River.

For Europe, via Bremen, by the steamship Donau, mails close at 11:30 a. m. A Supplementary Mail is closed at 1:30 p. m. Steamship sails at 2 p. m., from Pier foot of Third-st., Hoboken.

SUNDAY, JULY 25.

All Mails close at 11 o'clock a. m. The Post-Office is open from 9 a. m. to 11 a. m.

Mails for Newfoundland close at the New-York Post-Office every day at 1:30 p. m.

A Mail for Halifax, N. S., is closed at the New-York Post-Office every day at 6 p. m.

MINIATURE almanac.

| | | | |
|---|---|---|---|
| Sun rises | 4:46 | Sun sets | 7:26 |
| Moon rises | 9:05 | | |

HIGH WATER THIS DAY—A. M.

| | | | |
|---|---|---|---|
| Sandy Hook | 8:59 | Gov's Island | 9:35 |
| Hell G. Ferry | 11:24 | | |

HIGH WATER THIS DAY—P. M.

| | | | |
|---|---|---|---|
| Sandy Hook | 9:20 | Gov's Island | 9:56 |
| Hell G. Ferry | 11:45 | | |

## PASSENGERS ARRIVED.

FROM LIVERPOOL.—*In steamship Celtic*, July 19.—Mrs. John Finlay, Mrs. Mary J. Harvey, Miss Lillian Harvey, J. R. Tyler, R. Woodward, F. B. Steele, W. Whitesides, John Campbell, Miss Kate Campbell, H. S. Butler, Miss Butler, Mrs. E. H. Darling, A. Chaoman, Bridgway Wright, H. Mulholland, F. Henriques, Chas. Magee, Mr. Painter, H. Epping, W. H. Lambert, Mr. and Mrs. J. B. Mehrman, Miss Anna B. Richards, Chas. T. Strauss, Wm. Friedman, Mrs. A. L. Michler, Miss Emma Campbell, Miss Lambert, John Green, sr., John Green, jr., Mark Finlay, E. M. Merrel, L. L. Hyatt, Wm. McBride, Joan Nolan, Fred. J. Beach, Cecil C. Conner, Arthur Ross, J. H. Metcalfe.

FROM BERMUDA—*In steamship Canima*, July 19.—Col. Marcy and wife, Miss Rosie Poss, A. Labrecht, Capt. H. F. Conyers, Richard F. Cooper, R. R. Southworth, Mrs. R. Southworth, Mrs. Perdue, Mrs. T. Miles, Lieut. McCausland, Lieut. Goldsmith, F. Griset, B. S. Griset, C. Slater, J. W. Blackman, John Wills, Frank Wilson, Fred. Wilson, Mrs. Smith.

## SHIPPING INTELLIGENCE.

PORT OF NEW-YORK.....JULY 19.

CLEARED.

Steamship Switzerland (Belg.), Jackson, Antwerp, G. W. Colton.
Steamship Eleanora, Johnson, Portland, J. F. Ames.
Steamship Experiment, Pierce, Philadelphia, James Hand.
Steamship Vesper, Davis, Wilmington, Del., Abel Abbott.
Ship Cutwater, Crosman, San Francisco, Sutton & Co.
Ship Isaac Webb, Urquhart, Liverpool, C. H. Marshall & Co.
Bark Albatross (Nor.), Olsen, Cork for orders, Funch, Edye & Co.
Bark Grace (Br.), Wade, Rotterdam, Henry & Parker.
Bark Allauri (Ital.), Izzo, Constantinople, Slocovich & Co.
Bark Arcangello (Ital.), Cacace, Marseilles, Slocovich & Co.
Brig Carrie E. Pickering, Terrey, Vigo, Spain, D. B. Dearborn.
Brig Wolfville (Br.), Bartling, Genoa, Boyd & Hincken.
Brig A. J. Peltonelli, Hall, Glasgow, Miller & Houghton.
Brig Prentiss Hobbs, Dodge, Perth Amboy, H. W. Load & Co.
Brig White (Br.), Cranch, Penarth Roads, Geo. F. Bulley.
Brig Premier (Br.), Rogers, Cork or Falmouth for orders, Boyd & Hincken.
Brig F. H. Odlone (Br.), Renault, St. Johns, N. F., Perkins & Job.
Schr. B. F. Brainerd, Hall, Providence, H. W. Jackson & Son.
Schr. W. H. Keener, Beers, Port-au-Prince, R. Murray, Jr.
Schr. Mercy T. Trundy, Crowley, Boston, John Boynton's Son.
Schr. Enchantress, Phillips, Savannah, Evans, Ball & Co.
Schr. Hannah Cromer, Burgess, Turks Island, B. J. Weinberg.
Schr. E. H. Potter, Rogers, Fernandina, Parsons & Loud.

ARRIVED.

Steamship City of Merida, Reynolds, New-Orleans June 27, Tampico 30th, Tuspan July 1, Vera Cruz 6th, Campeachy 8th, Progreso 9th, and Havana 14th, with mdse. and pass. to F. Alexandre & Sons.
Steamship Cambria (Br.), Lederoost, Bermuda 3½ days, with mdse. and pass. to A. E. Outerbridge.
Ship Wm. H. Marcy (new, 1,700 tons), Marcy, of and 5 days from Portsmouth, in ballast.
Bark Fortuna (Ger.), Zimmerman, Pillau 64 days, with rags.
Bark Weser (Ger.), Poppe, Bremen 50 days, with mdse.
Bark Ceres (Nor.), Boe, Galway 34 days, in ballast.
Bark Norma (Russ.), Borman, Greenock 47 days, in ballast. Is auctioned at Sandy Hook for orders.
Bark Franklin (Swed.), Oberg, Pensacola 26 days, with lumber. Is bound to London; put into this port leaking.
Bark Ruma (Aust.), Begna, Leghorn May 26, with rags.
Brig Opea Sea, Hatch, of and 12 days from Bangor, with lumber.
Brig Otter (of St. John, N. B.), Pringle, Rockland, N. B., 6 days, with building stone.
Brig Annie Bachelor (of Philadelphia), Steelman, St. Thomas 10 days, with sugar.
Brig Don Quixote, Munroe, Matanzas 8 days, with sugar.
Schr. James Warren, Drisko, St. John, N. B., 14 days, with lath.
Schr. Clara Jane, Garrison, Rockland, N. B., 10 days, with stone.
Schr. Two Sisters (of Digby, N. S.), Thomas, Port Cispata 30 days, with cedar, mahogany and fustic.
Schr. Wm. H. Mariner, Crowley, St. John, N. B., 10 days, with lath.
Schr. Ben, Beveridge, Wilmington, N. C., 4 days, with cotton and naval stores.
Schr. D. Sawyer, Cummings, Two Rivers, N. S., 8 days, with spiling.
Schr. Statesman, Eaton, Shulee, N. S., 19 days, via Vineyard Haven, with spars.
Schr. Jennie F. Willy, Trefethen, Port Royal 6 days, with lumber.
Schr. Gaston T. Hubbard, Loveland, Virginia.
Schr. Wm. Burbank, Porter, Virginia.

MEMORANDA.

ST. JOHN, N. B., July 19.—The yacht Effort, under 16 tons, which left Fleetwood, England, May 29, arrived here yesterday. The voyage of 49 days was remarkable for heavy weather. Her crew consists of the captain, mate and two boys.

DOMESTIC PORTS.

BALTIMORE, July 19.—Arrived, steamship Ariel (Br.), from Galveston; Bark Chandelier, from do.; schr. M. A. Willey, from Gardiner, Me. Cleared, steamship George Appold, for Boston.

SAN FRANCISCO, July 19.—Sailed, the Australian Steam Navigation Company's steamship Macgregor, for Sydney via Honolulu and Auckland.

FOREIGN PORTS.

QUEENSTOWN, July 19.—The Inman line steamship City of Chester, Leitch, and the White Star steamship Germanic, Kennedy, both from New-York July 10, for Liverpool, arrived here at 7 o'clock this morning.

FASTNET POINT, July 19.—The steamship Nova Scotian passed here at noon to-day, bound for Quebec. The steamship Canadian, from Glasgow and Liverpool, arrived here at 1 a. m. The steamship Quebec, from Liverpool, arrived here at 10:10 a. m.

DISASTERS.

BALTIMORE, July 