# SCIENCE AT DETROIT.

## MEETING OF THE AMERICAN ASSOCIATION.

OPENING FORMALITIES—PROCEEDINGS OF ORGANIZATION—NECROLOGICAL LIST—FELLOWS AND FELLOWSHIP.

[FROM A STAFF CORRESPONDENT OF THE TRIBUNE.]

DETROIT, Aug. 11.—The opening session this morning was spent in the dry formalities of organization. The audience gathered in the Opera House did not exceed two or three hundred, who, thinly scattered, scarcely served to fill the parquet and nearest boxes of a building that can easily seat 1,500 people. The Rev. William Aikman, D.D., opened the meeting with a brief prayer, and Dr. J. L. Le Conte, the retiring President, introduced Prof. J. E. Hilgard, the President.

The Hon. C. I. Walker, on behalf of the local committee of the citizens of Detroit, pronounced the address of welcome. Prof. Hilgard replied, returning thanks for the welcome. The invitation from Detroit had been heartily received at the Hartford meeting. It was desirable to bring the assemblage of the members to a central point this year, where intercourse could be best facilitated from all parts of the country. The arrangements made for the reception of the Association already indicated how deeply it would be indebted to the citizens of Detroit for their liberal hospitality and admirable arrangements for entertainment. Several invitations were then read; one of these created a smile—the members were invited to the House of Correction, "whenever it might suit their convenience."

The necrological list for the year included the following names:

Mr. John E. Gavit of New-York, died August, 1874; Prof. Jeffries Wyman of Boston, died Sept. 4, 1874; Dr. Theo. C. Hilgard (brother of President Hilgard), died March 5, 1875; Prof. Joseph Winlock, Director of Observatory at Harvard, died June 11, 1875; Sir William Logan, Head of the Geological Survey of Canada, died June 28, 1875; Mr. Wm. E. Whitman of Philadelphia, died recently.

The proposition to elect a long list of Fellows excited a curious debate. There is a small but marked feeling of jealousy on this topic, some of the members not liking the distinction thus made, and showing their dislike to the system by obstructing it with technical formalities. Another mode of exhibiting this feeling was in the final vote, when some members returned the lists with all the candidates' names struck out. The lists included many of the most eminent names in science in this country.

The point raised was as to whether anybody who was not a member would be likely so vote. The ballot was, of course, to be secret, and should any member wish to cross off a name on the list he would not care to have the fact known. The difficulty was at length compromised by a most awkward expedient. The tellers as they took up the ballots called out the names of the voters, and the Secretary answered from the stage as to whether the name was on his list of members. Nothing could be more formal and tedious. A gleam of light was thrown upon it by a running conversation between Prof. Morse, one of the tellers, in the body of the house, and the Secretary on the stage, of which the following may serve as a specimen:

Teller—Mrs. Amelia B. Smith.
Secretary—No such name.
Teller—It must be there. Mrs. Smith of New-Haven.
Secretary—I have Mrs. William A. Smith.
Teller—She says her name is n't William. That is her husband's name.
Secretary—Ah! Better take her ballot, Professor.

The number of votes cast was 65; of these 55 had no erasures.

Profs. *E. B. Elliott, S. W. Johnson, E. S. Morse, G. E. Barker, J. G. Brush*, Alexander Winchell, A. R. Tuttle, *E. T. Cox*, F. W. Clarke, J. N. Stockwell, and A. L. Crote were nominated as an addition to the Standing Committee. The statement was made that Prof. Winchell was not a Fellow, and, therefore, was ineligible. That gentleman claimed that he had made due application for admission as a Fellow, and thought he was one. The Secretary declared his certainty that the application had never been received. Everybody felt sorry about Prof. Winchell, but there was the constitution, about which there had been so much fighting, right in the way. Finally, somebody moved to suspend the rules. This was done, and Prof. Winchell was made a Fellow by acclamation. Then his name was put on the list of nominees for the additional members of the Standing Committee; and then—half of the voting had to be done over again, so as to give Prof. Winchell a chance of election. Those whose names are in italics are the fortunate six elected. The meeting then adjourned, with the understanding that it will next assemble in sections, these will split into subsections, and the scientific work of the meeting will then begin.

W. C. W.

## ADDRESS BY BY DR. JOHN L. LE CONTE.

THE EVIDENCES OF EVOLUTION—TESTIMONY DRAWN FROM THE STUDY OF INSECTS—INTELLIGENCE AND DESIGN SHOWN IN CREATION, WHILE THE CHANGE OF SPECIES MAY BE ADMITTED.

DETROIT, Aug. 12.—Prof. John L. Le Conte, the retiring President of the American Association for the Advancement of Science, delivered the following address to-night in the Opera House. The largest audience yet present at the meetings of the Association was assembled to hear him.

THE ADDRESS.

GENTLEMEN AND LADIES: The founders of science in America, and the other great students of nature, who have in previous years occupied the elevated position in which I now stand, have addressed you upon many momentous subjects. In fulfilling the final duty assigned to your Presidents by the laws of the Association, some have spoken to you in solemn and wise words concerning the duties and privileges of men of science; and the converse duties of the nation toward these earnest and disinterested promoters of knowledge. Others again have given you the history of the development of their respective branches of study, and their present condition, and have, in eloquent diction, commended to your gratitude those who have established on a firm foundation the basis of our modern systems of investigation. The recent changes in our constitution, by which you acceded to expect from your two Vice-Presidents, and from the Chairman of the General Subsection, addresses on the progress made during the past year, restrain me from invading their peculiar fields of labor, by alluding to scientific work which has been accomplished since our last meeting. While delicacy forbids me from so doing, I am equally debarred from repeating to you the brief sketch I endeavored to give at a former meeting of the history and present condition of entomology in the United States. But it has appeared to me that a few thoughts which have impressed themselves on my mind touching the future results to be obtained from certain classes of facts, not yet fully developed, on account of the great labor required for their proper comparison, may not be without value. Even if the facts be not new to you, I hope to be able, with your kind attention, to present them in such way as to be suggestive of the work yet to be done.

### THE FIRST MENTION OF THE DOCTRINE OF EVOLUTION.

It has been perhaps said, or at least it has been often thought, that the first mention of the doctrine of evolution, as now admitted to a greater or less degree by every thinking man, is found in Ecclesiastes, i, 9:

The thing that hath been is that which shall be; and that which is done is that which shall be done; and there is no new thing under the sun. Is there anything whereof it may be said, See, this is new? It hath been already of old time, which was before us.

Other references to evolutionary views in one form or another occur in the writings of several philosophers of classic times, as you have had recent cause to remember. Whether these are to be considered as an expression of a perfect truth in the very imperfect language which was alone intelligible to the nation to whom this sacred book was immediately addressed on the one hand; and the happy guesses of philosophers, who, by deep meditation had placed themselves in close sympathy with the material universe, on the other hand, I shall not stop to inquire. The discussion would be profitless, for modern science in no way depends for its magnificent triumphs of fact and thought upon any utterances of the ancients. It is the creation of patient intelligent labor of the last two centuries, and its results can be neither confuted nor confirmed by anything that was said, thought, or done at an earlier period. I have merely referred to these indications of doctrines of evolution to recall to your minds that the two great schools of thought, which now divide philosophers, have existed from very remote times. They are, therefore, in their origin, probably independent of correct scientific knowledge. You have learned from geologists, and mostly from those of the present century, that the strata of the earth have been successively formed from fragments more or less comminuted by mechanical action, more or less altered by chemical combination and molecular rearrangement. These fragments were derived from strata previously deposited, or from material brought up from below, or even thrown down from above, or from the debris of organic beings which extracted their mineral constituents from surrounding media. Nothing new has been added, everything is old; only the arrangement of the parts is new, but in this arrangement definite and recognizable unchanged fragments of the old frequently remain. Geological observation is now so extended and accurate that an experienced student can tell from what formation, and even from what particular locality these fragments have been derived.

### CHANGES IN THE ORGANIC WORLD.

I wish to show that this same process has taken place in the organic world, and that by proper methods we can discover in our fauna and flora the remnants of the inhabitants of former geologic times, which remain unchanged, and have escaped those influences of variation which are supposed to account for the differences in the organic beings of different periods. Should I succeed in this effort, we will be hereafter enabled in groups of animals which are rarely preserved in fossil condition, to reconstruct, in some measure, the otherwise extinct fauna, and thus to have a better idea of the sequence of generic forms in time. We will also have confirmatory evidence of certain changes which have taken place in the outline of the land and the sea. More important still, we will have some indications of the time when greater changes have occurred, the rock evidence of which is now buried at the bottom of the ocean, or perhaps entirely destroyed by erosion and separations. Of these changes, which involved connections of masses of land, no surmise could be made except through evidence to be gained in the manner of which I am about to speak. My illustrations will naturally be drawn from that branch of zoology with which I am most familiar; and it is indeed to your too partial estimate of my studies in that science that I owe the privilege of addressing you on the present occasion.

There are, as you know, a particular set of Coleoptera which affect the seashore; they are not very numerous at any locality, but among them are genera which are represented in almost every country of the globe. Such genera are called cosmopolitan, in distinction to those which are found only in particular districts. Several of these genera contain species which are very nearly allied, or sometimes in fact undistinguishable and therefore identical along extended lines of coast. Now it happens that some of these species, though they never stray from the ocean shore inland, are capable of living upon similar beeches on fresh water lakes, and a few are found in localities which are now quite inland. * * *

### NEED OF A DIFFERENT MODE OF STUDYING ENTOMOLOGY.

It is, therefore, plain that before much progress can be made in the line of research which I have proposed to you, whereby we may recover important fragments of the past history of the earth, Entomology must be studied in a somewhat different manner from that now adopted. The necessity is every day more apparent that descriptions of heterogeneous material are rather obstructive than beneficial to science, except in the case of extraordinary forms likely to give information concerning geographical distribution or classification. Large typical collections affording abundant material for comparison, for the approximation of allied forms, and the elimination of doubtful ones must be accumulated; and in the case of such portable objects, as those we are now dealing with, must be placed where they can have the protecting influences both of climate and personal care. At the same time, for this investigation, the study of insects is peculiarly suitable; not only on account of the small size, ease of collecting, and little cost of preserving the specimens, but because from their varied mode of life in different stages of development, and perhaps for other reasons, the species are less likely to be destroyed in the progress of geological changes.[3] Cataclysms and submergencies, which would annihilate the higher animals, would only float the temporarily asphyxiated insect, or the tree trunks containing the larvæ and pupæ, to other neighboring lands. However that may be, I have given you some grounds for believing that many of the species of insects now living existed in the same form before the appearance of any living genera of mammals, and we may suppose that their ancestral descendants will probably survive the present mammalian fauna, including our own race. I may add, moreover, that some groups, especially in the Rhynchophora, which, as I have said above, I believe to be the earliest introduced of the Coleoptera, exhibit with compact and definite limits, and clearly defined specific characters, so many generic modifications, that I am compelled to think that we have in them an example of the long sought unbroken series, extending in this instance from early mesozoic to the present time, and of which very few forms have become extinct.

I have used the word species so often that you will doubtless be inclined to ask, what, then, is understood by a species? Alas! I can tell you no more than has been told recently by many others. It is an assemblage of individuals, which differ from each other by very small or trifling and inconstant characters, of much less value than those in which they differ from any other species; but of individuals. Who determines the value of these characters? The experienced student of that department to which the objects belong. Species are, therefore, those groups of individuals representing organic forms which are recognized as such by those who, from natural power and education, are best qualified to judge.

### THE FUNDAMENTAL DIFFERENCE BETWEEN BIOLOGICAL AND PHYSICAL SCIENCES.

You perceive, therefore, that we are here dealing with an entirely different kind of information from that which we gain from the physical sciences; everything there depends on accurate observation, with strict logical consequences derived therefrom. Here the basis of our knowledge depends equally on accurate and trained observation, but the logic is not formal but perceptive. This has been already thoroughly recognized by Huxley[4] and Helmholtz,[5] and others, but we may properly extend the inquiry into the nature and powers of this æsthetic perception somewhat further. For it is to this fundamental difference between biological and physical sciences that I will especially invite your attention. Sir John Lubbock,[6] quoting from Obermann, mentions that certain Australians "were quite unable to realize the most vivid artistic representations. On being shown a picture of one of themselves one said it was a ship, another a kangaroo, not one in a dozen identifying the portrait as having any connection with himself." These human beings, therefore, with brains very similar to our own, and as is held by some persons, potentially capable of similar cultivation with ourselves, were unable to recognize the outlines of even such familiar objects as the features of their own race. Was there any fault in the drawing of the artist? Probably not. Or in the eye of the savage? Certainly not, for that is an optical instrument of tolerably simple structure, which cannot fail to form on the retina an accurate image of the object to which it is directed. Where, then, is the error? It is in the want of capacity of the brain of the individual for rather the race in this instance, to appreciate the resemblance between the outline, the relief, the light and shade of the object pictured, and the flat representation in color; in other words, a want of "artistic feel" or æsthetic perception. A higher example of a similar phenomenon I have myself seen: many of you too have witnessed it, for it is of daily occurrence. It is when travelers in Italy having penetrated to the utmost chamber of the Temple of Art, even the Hall of the Tribune at Florence, stand in presence of the most perfect works of Art, which it has been given to man to produce, and gaze upon them with the same indifference that they would show to the conceptions of mediocre artists exhibited in our shops. Perhaps they would even wonder what one can find to admire in the unrivaled collection which is there assembled. There is surely wanting in the minds of such persons that lofty æsthetic sense, which enables others to enter into spiritual harmony with the great artists whose creations are before them. Creations I said, and I use the word intentionally. If there is one power of the human soul, which more nearly than any other approaches the reality of creation, it is that by which the almost inspired artist develops out of a rude block of stone, or out of such mean materials as canvass and metallic pastes of various colors, figures which surpass in beauty, and in power of exciting emotion, the objects they profess to represent. Yet these æsthetic and nonprocreative persons are just as highly educated, and in their respective positions as good and useful members of the social organism as any that may be found. I maintain only, they would never make good students of biology, in like manner, by way of illustrating the foregoing observations, they are some, who in looking at the phenomena of the external universe, may reconcile only chance, or the "fortuitous concourse of atoms," producing certain resultant motions. Others having studied more deeply the nature of things, will perceive the existence of laws, binding and controlling the events they observe. Others again are superior to the latter in intelligence, nor in power of investigation, may discern a deeper relation between these phenomena and the indications of an intellectual or æsthetic or moral plan, similar to that which influences their own actions, when directed to the attaining of a particular result. * * *

The æsthetic character of Natural History, therefore, prevents the results of its cultivation from being worked out with the precision of a logical machine, even as with correct data of observation and calculation would be quite sufficient to formulate the conclusions of physical investigation. According as the perception of the relations of organic beings among themselves becomes more and more enlarged, the interpretation of these relations will vary within limits; but we will be continually approximating higher mental or spiritual truth.

This kind of truth can never be revealed to us by the study of moleculs, aggregations of the universe. The molar, molecular, and polar forces, by which they are formed, may be expressed, so far as a mortal may be, in them; or, rather, a number of simple mathematical laws, indicative neither of purpose nor intelligence, when confined within inorganic limits. In fact, taking also the organic world into consideration, we as yet see no reason why the number of chemical elements known to us should be as large as it is, and go on increasing almost yearly with more minute investigations. To all appearance, the mechanical and vital structure of the universe would remain unchanged, if half of them were struck out of existence.

Neither is there any evidence of intelligence or design in the fact that the side of the moon visible to us exhibits only a mass of volcanoes.

Yet upon the earth, without the volcano and the earthquake, and the elevating forces of which they are the feeble indications, there would be no permanent separation of land and water; consequently no progress in animal and vegetable life beyond what is possible in the ocean. To us, then, as sentient beings, the volcano and the earthquake, viewed from a biological standpoint, have a profound significance.

In the observation of the habits of inferior animals, we recognize many complications of action, which though directed to the accomplishment of definite purposes, we do not entirely comprehend. They are, in many instances, not the result of either the experience of the individual, or the education of its parents, who in low forms of animals frequently die before the hatching of their offspring. These actions have been grouped together, whether simple or complex, as inherited by what we are pleased to call instinct, as opposed to reason. Yet there is every gradation between the two.

Among the various races of dogs, the companions of man for unnumbered centuries, we observe not only reasoning powers of a rather high order, but also distinct traces of moral sentiments, similar to those possessed by our own race. I will give no examples, for many may be found in books with which you are familiar. Actions evincing the same mental attributes are also noticed in wild animals, which have been tamed. You will reply, that these qualities have been developed by human education; but not so, there must have been a latent capacity in the brain to receive the education, and to manifest the results by the modification of the instinct. Now it is because we are vertebrates, and the animals of which I have spoken are vertebrates, that we understand, though imperfectly, their mental processes, and can develop the powers that are otherwise latent. Could we comprehend them more fully we would find, and we do find from time to time in the progress of our inquiries that what was classed with instinct is really intelligence. * * *

What then is the strict relation of natural history or biology to that great mass of learning and influence which is commonly called theology, and to that smaller mass of belief and action which is called religion?

Some express the relation very briefly, by saying that science and religion are opposed to each other. Others assert that they have nothing in common. These expressions are true of certain classes of minds; but the greater number of thinking and educated persons see that though the ultimate truths taught by each are of quite distinct nature, and can by no means come in conflict, inasmuch as they have no point in common; yet so far as these truths are embodied in human language, and manipulated by human interests, they have a common dominion over the soul of man. According to the method of their government, they may then come into collision even as the temporal and spiritual sovereigns of Japan occasionally did, before the recent changes in that country.

In answering the query above proposed, it will be necessary to separate the essential truths of religion from the accessories of tradition, usage, and most of all, organizations and interpretations, which have in the lapse of time gathered around the primitive or revealed truth.

With the latter, the scientific man must deal exactly like other men, he must take it, or reject it, according to his spiritual gifts; but he must not, whatever be his personal views, discuss it or assail it as a man of science, for within his domain of investigation it does not belong.

With regard to the accessories of traditions, interpretations, etc., our answer may be clearer, when we have briefly reviewed some recent events in what has been written about as the Conflict of Religion and Science. Some centuries ago, great theological disgust was produced by the announcement that the sun and not the earth was the center of the planetary system. A few decades ago profound dissatisfaction was shown that the evidence of organic life on the planet was very ancient. Recently some annoyance has been exhibited because human remains have been found in situations where they ought not to have been, according to popularly received interpretations; and yet more recently much apprehension has been felt at the possible derivation of man from some inferior organism, an hypothesis framed simply because in the present condition of intellectual advancement, no other can be suggested.

Yet all these facts, but the last, which still is an opinion, have been accepted, after more or less bitter controversy on both sides, and the fountain of spiritual truth remains unclouded and undiminished. New interpretations for the sacred text, supposed to be in conflict with the scientific facts, have been sought and found without difficulty. These much feared facts have, moreover, given some of the strongest and most convincing illustrations to modern exhortation and religious instruction.

Thus, then, we see that the influence of science upon religion has been beneficial. Scholastic interpretations founded upon imperfect knowledge, or no knowledge but mere guess, have been replaced by sound criticism of the texts, and their exegesis in accordance with the times and circumstances for which they were written.

It must be conceded by fair minded men of both sides that these controversies were carried on at times with a rudeness of expression and bitterness of feeling now abhorrent to our usages. The intellectual wars of those days partook of the brutality of physical war, and the horrors of the latter, as you know, have been ameliorated only within very few years. * * *

[3] For a fuller discussion of these causes, and of several other subjects which are briefly mentioned in this address, the reader may consult an excellent memoir by my learned friend, Mr. Andrew Murray, "On the Geographical Relations of the Chief Coleopterous Faunæ." (Journal of Linnean Society. Zoology, Vol. xi.)

[4] "A species is the smallest group to which distinctive and invariable characters can be assigned. ..." (Principles and Methods of Paleontology, Smithsonian Report, 1869, 378.

[5] "I do not mean to deny that, in many branches of these sciences, an intuitive perception of analogies and a certain artistic tact play a conspicuous part. In natural history . . . it is left entirely to this tact, without a clearly definable rule, to determine what characteristics of species are important or unimportant for purposes of classification, and what divisions of the animal or vegetable kingdom are more natural than others."—(Relation of the Physical Sciences to Science in General. Smiths. Report, 1871, 227.

[6] Prehistoric Times, p. 440.

[7] On the Aborigines of Australia. Trans. Ethnological Soc., New Series, Vol. 3.

[8] Proceedings Am. Assoc. Adv. Sc. xxi (Portland.)

# THE COURTS.

## RECEIVER JEWETT'S POWERS EXTENDED.

PLANS BY WHICH THE ERIE ROAD IS EXPECTED TO SECURE GREAT ADVANTAGES IN THE COAL TRADE.

Hugh J. Jewett, the Receiver of the Erie Railway Company, presented another petition to the Supreme Court for further powers, which were granted yesterday by Judge Westbrook, at Chambers. In the petition the Receiver sets out that in 1872 and 1873 the Erie Railway Company became possessed of all the capital stock of a Pennsylvania coal company, known as the North-Western Mining and Exchange Company, which cost the Erie Company $679,361 70. The whole value of the coal company lies in its coal lands. For them Erie was to pay in all $1,094,028 90, and has actually paid $543,697 93, leaving a deficit of $550,303 97, all of which, except $6,250, is to be paid in installments, before July 19, 1876, under penalty of a forfeiture of the money already paid. Mr. Jewett states that it is for the interest of the Erie Company to provide for this payment, but he has no means to do so unless the Court allows him to join in certain arrangements and contracts which he thinks for the interest of the Erie Railway Company.

The coal lands thus liable to forfeiture are connected with coal lands owned by a company known as the Shawmutt Company, the lands of both companies forming a tract of 33,107 acres 115 rods, containing immense deposits of bituminous coal which cannot be worked profitably without railroad facilities. There are four short lines of road constructed or in process of construction—a line built by the Shawmutt Company, 21 miles long, to the Philadelphia and Erie Railroad; the Buffalo, Bradford and Pittsburgh Railroad, owned by the Erie Railway Company, 25½ miles long, running from Carrolton to Gilesville, Penn.; the Pittsburgh, Buffalo and Rochester Road, and the Brandy Camp Railroad. Agreements have been entered into by which the North-Western Mining and Exchange Company and the Shawmutt Company are to be consolidated, and their joint property is to be mortgaged for $4,000,000 on the Erie Railway Company transferring its rights in the first-named Company for $1,366,667 of such mortgage bonds. A portion of these bonds are also to be paid to the Shawmutt Company. These bonds given to the Erie Railway Company are to be subject to the payment of the amount still due for the purchase of the North-Western Mining and Exchange Company's lands. Three of the railroads named are to be consolidated with a capital of $4,000,000, under the name of the Pennsylvania and Erie Coal and Railway Company, and are to guarantee the bonds of the coal company, and of their stock the Erie Railway Company is to receive $2,000,000—a majority of the stock. Wm. D. Shipman is to be trustee of the mortgage and to hold the bonds to carry out the purposes of the agreements, including the completion of the connecting roads, which will furnish an outlet for the coal lands to the Erie Railway. A still further agreement is that the consolidated coal company and the consolidated roads shall give all their business to the Erie Railway Company and furnish it with such coal as it needs for use at not more than cost and 25 cents per ton over.

On the petition and the consents of all parties who have appeared in the suit in which Mr. Jewett was appointed Receiver, Judge Westbrook made an order authorizing him to enter into the agreements as prayed for.

## ANNIE SMALL DISCHARGED FOR LACK OF EVIDENCE.

Annie Small, who was a witness against Capts. Williams and McCullagh before the Legislative Committee on Crime, was arrested afterward on a charge of perjury made by Capt. McCullagh. Judge Westbrook released Mrs. Small yesterday, and expressed his disapprobation of the practice of the courts of this district. He says:

I have examined the evidence upon which Annie Small was committed, and am satisfied that it falls far short of establishing her guilt. The evidence of Capt. McCullagh is not corroborated so fully as to justify her detention upon a charge of perjury. The other witness may not have heard that to which Annie testified, as he was in the hall during a part of the interview. On consultation with Judge Donohue, I am informed that this character, here is, upon a proceeding of this character, to examine the evidence upon which the party was committed. My own views of the office of the writ of certiorari (not the law writ, but that which the statute gives as a concurrent one with that of habeas corpus), remain unchanged, but I will conform, as I intimated to counsel, to the practice of this district. Looking at the evidence I feel constrained to say that I regard it as insufficient to justify her detention.

## REVIVAL OF A SUIT FOR CONFISCATED PROPERTY.

Since 1869 there has been on the docket of the United States Circuit Court a suit entitled "James A. Whalen agt. Philip H. Sheridan." The declaration alleges that the plaintiff was a resident of the Parish of St. Charles, La., and the owner of the following property: Sixty-three mules, 1 cow, 1 buggy, 55 plows, 50 horses, 20 axes, 15 spades, 110 sets of plow harness, 40 sets of whiffletrees, 10,000 barrel staves, 5,000 barrel heads, 5,000 hogshead staves, 250 barrels of molasses, 150 barrels of cistern bottoming material, 150 hogsheads of sugar, 75 cords of wood, 15 carts, and 500 acres of grown corn. The declaration also says that on Aug. 8, 1867, Sheridan, when in command in Louisiana, with force and arms confiscated the property to the use of the United States, and claims $40,778 57 damages.

It was supposed that nothing further would be done in this suit, but yesterday Assistant United States District-Attorney Tremain of counsel for Gen. Sheridan received notice that the plaintiff would take testimony in it *de bene esse*. The defense will be that in confiscating the property in question Gen. Sheridan merely obeyed orders.

## VALIDITY OF A GAMBLING DEBT TO JOHN MORRISSEY.

In the suit of John Morrissey against James O'Brien and Solomon Mehrbach, a motion for a supplemental answer on behalf of the latter defendant was yesterday granted by Judge J. F. Daly on terms. The suit is on a note for $2,700 made by O'Brien to Morrissey's order, and indorsed by Mehrbach before it was delivered to Morrissey. O'Brien made no defense, but Mehrbach through his first attorney put in an answer which in law amounted to a concession of the claim. Having changed his attorney, this motion was made to set up directly that the note was given in exchange for a check of Mr. O'Brien's, and that that check was given for a gambling debt and was therefore void, and that the note was therefore void for want of consideration. Judge J. F. Daly granted the motion on condition that the defendant conceded all the other facts claimed by the plaintiff. H. A. Butler appeared for plaintiff; F. W. Bird for the defendant Mehrbach.

## NELSON J. WATERBURY'S TAMMANY WRIT DISMISSED.

Nelson J. Waterbury was called before the Tammany Society to answer certain charges as to his standing as a member of that Society. After it became apparent that his expulsion was intended, he applied to the Supreme Court and procured an order requiring Augustus Schell and Joel O. Stevens to deliver him copies of the constitution, by-laws, and rules of the Society relating to his offense, or show cause to the contrary, and meanwhile staying the proceedings of the Society for his expulsion. Judge Westbrook, in Supreme Court, Chambers, yesterday quashed this writ and dissolved the injunction.

## DECISIONS, AUG. 13.

*Supreme Court—Chambers*—By Judge Westbrook.—Feltes agt. Feltes.—Report of Referee confirmed and decree of divorce granted to the plaintiff. Waterbury agt. Society of Tammany.—The motion to quash the writ must be granted; memorandum. Paine agt. The Rectors, Church-Wardens, and Vestrymen, &c., of Trinity Church, &c.—Motion granted. Bonney agt. Hutchings.—Also writ of certiorari and the writ of habeas corpus should be quashed. Tusk agt. Dion.—Motion to correct the order by striking out the $10 costs granted; 1st, costs were not asked. 2d, the defendant asked for a favor, and it would be absurd to charge the plaintiff with costs of a motion to vacate a judgment satisfied when was vacated not by payment, but by a discharge in bankruptcy; it would hardly answer to punish a man for recovering a judgment for a debt. In the matter of Annie Small.—Prisoner discharged. Bedient agt. Nathan.—It is well settled that the bail required upon an order of arrest should be governed by the amount proved to be due by the affidavits upon which the order is made. According to this rule the bail was fixed in this case at $75,000. A motion to reduce the amount, founded only on the papers upon which the order was made, was denied by Judge Davis. The motion is now renewed upon affidavits containing all the facts on which the order was made. The application to reduce the bail is opposed by additional affidavits on the part of the plaintiff. It is difficult, on these ex parte affidavits, to determine whose statement is correct—that of the plaintiff or that of the defendant. No opinion is expressed on that question. Looking, however, at the plaintiff's investment—$40,000—and the probabilities of the plaintiff's prosecution, the bail will be reduced to the sum of $25,000. If $10,000 which was the sum accepted during the pendency of the original motion, was then sufficient, that now will be ample.

## DEPARTURE OF FOREIGN MAILS.

SATURDAY, AUG. 14.

For England, Wales, Ireland, and France, via Queenstown and Liverpool, by the steamship City of Chester, mails close at 11:30 a. m. A Supplementary Mail is closed at 1 p. m. Steamship sails at 2 p. m., from Pier No. 45, North River.

For Scotland only, via Glasgow, by the steamship Ethiopia, mails close at 11:30 a. m. A Supplementary Mail is closed at 1 p. m. Steamship sails at 2 p. m., from Pier No. 20, North River.

For the Continent of Europe (except France), via Southampton and Bremen, by the steamship Cimbria, 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.

For Aspinwall, Panama, the Central American and South Pacific ports, by the steamship Colon, mails close at 10 a. m. A Supplementary Mail is closed at 11 a. m. Steamship sails at 12 m., from Pier No. 42, North River.

Mails for Key West, by the steamship City of Wacco, close at 2 p. m. Steamship sails at 3 p. m., from Pier No. 20 East River.

SUNDAY, AUG. 15.

Letters for Japan, Shanghai, Hong Kong, and dependent Chinese ports, and the East Indies, by the steamship City of Peking, to sail from San Francisco, Sept. 1, should be mailed in the New-York Post-Office before 6 p. m. on Friday, Aug. 27.

All Mails close at 12 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.

## PASSENGERS ARRIVED.

FROM BREMEN—*In steamship Neckar*, Aug. 13.—Gen. Roth, U. S. Minister and servant, Miss Anna Deitz, Walter Hill, Rev. Geo. W. A. Schaaf, Alfred Hammann, Alba Gerber, W. King, Mrs. Kinz, James Mosenthal, Mrs. Marguerite Hesser, Miss Anna Hebser, Henry Winter, Mrs. Minna Winter, Dr. Leith, Weber, H. H. Schoedsberg, Conseil J. H. Stanart, F. C. Emmerich, Carl Emmerich, Mr. Waberman and family, Mrs. Schroeder and child, Mrs. Weber, child and nurse, R. Keenan, S. E. Bissell, Miss Helene Sennett, Leopold Lob, Wilh. Lintner, Moses Marx, Adolph Oppenheimer, Miss Rosa Koppel, Leopold Bahr, Jos. Schellenberger, John Stauch, Miss Fanny Stolzenbach, Miss Therese Karl, Miss Marie Teschel, C. G. Stark, Gustav Rash, Philip Marquard, Paul Buschmann, Miss Marie Hilmer, Joh. Herm. Rosse, Dr. Fritz Hermann, Rudolph Kuhler, Carl Jeremias and family, Stephen Stock, Fritz Merke and wife, Mrs. Louise Hecht, Miss Friedericke Wicker, Carl Lucan, Wilh. Lucan, Robert Leisewitz, Herm. Kimble, Louis Jurgens, Hermann Schroeder, W. C. Scherfenberg, Miss Anna Herterich, Mrs. Therese Schaler, J. R. Feuling, D. Falls, Carl A. Leppert, Jacob Fink, F. L. Feind, Wm. Seibel, H. Hachmeister, Joh. Heinr. Fahrenholz, H. W. Leonard, D. Dreifuss, Philip Moss, Miss Hannchen Samuel, Mrs. Wwe. Guggenheim, Leopold Moss, Joseph Guggenheim, Miss Celina Kurtz, Sigmund Hasgal, Franz Starck, Hermann Keller, Harry Keller, J. W. Landau, Julius Zeltner, Dr. W. Guber, Miss Christine Koster, Theodore Drescher, H. Rolfs, G. G. Winter and family, Ernst, Riemann, John Justin, Julius Jage, Gottlieb Traube, Theo. Schumann, Levi Hersel, Herm. Hoffmann.

## MINIATURE ALMANAC.

Sun rises..... 5:09 | Sun sets..... 7:00 | Moon sets..... 2:06
HIGH WATER THIS DAY—A. M.
Sandy Hook.. 5:34 | Gov's Island... 6:11 | Hell G. Ferry. 8:00
HIGH WATER THIS DAY—P. M.
Sandy Hook.. 6:00 | Gov's Island... 6:35 | Hell G. Ferry. 8:24

## SHIPPING INTELLIGENCE.

PORT OF NEW-YORK.....AUG. 13.

CLEARED.

Steamship State of Nevada (Br.), Brass, Antwerp, Geo. W. Collins.
Steamship Experiment, Pierce, Philadelphia, James Hand.
Steamship Triplet, Hall, Wilmington, Del., A. Abbott.
Ship Queen of the Mersey (Br.), Fiett, Liverpool, Barclay & Livingstone.
Bark Rebecca Caruana, Johnson, Penarth Roads for orders, W. Rydell & Co.
Bark Ceres (Swe.), Nusman, Penarth Roads for orders, Tetens, Bockmann & Co.
Bark Everhard Delius (Ger.), Herboth, Hamburg, Herman Koop & Co.
Bark Tanchen (Br.), Stanley, Cork or Falmouth for orders, Boyd & Hincken.
Bark Castropol (Norw.), Mestre, Vigo, Spain, E. Puig & Co.
Bark Prudhoe (Nor.), Pedersen, Havre, Tetens, Bockmann & Co.
Bark W. A. Farnsworth (Br.), Patten, Liverpool, Fred'k Sprague & Co.
Bark American Lloyds, Park, Dunnedin, &c., Mailler & Quereau.
Brig Morning Star (Br.), Borden, Stettin, Prussia, Simpson & Shaw.
Brig Mary E. Rowland, Lawton, Corruna, Spain, Sauk & Son.
Brig Favorite (Nor.), Natvig, Stockholm, Sweden, Punch, Edye & Co.
Brig Clara (Ger.), Dellentz, Stettin, Prussia, Dill & Rothmann.
Brig Anita (Span.), Gil, Santa Cruz de Tenerife, Canary Islands, E. Puig & Co.
Schr. J. P. Asay, Bowman, Richmond, Slaght & Petty.
Schr. Belle Shipman, Bridgeport, Conn., J. Williamson & Co.
Schr. City of Chelsea, Gardiner, Boston, Parsons & Lood.
Scnr. The Star (Br.), Lynch, St. John, N. B., via New-Haven, Henry A. Parker (declared from yesterday).
Schr. John Brooks, Fox, New-Haven, Hickett & Bro.
Schr. E. S. Babcock, Lapoche, Grand Turks and Bahamas, Wilson & Asmus.
Schr. Emma (Br.), Martin, Halifax, N. S., D. R. De Wolf & Co.

ARRIVED.

Steamship Neckar (Ger.), Meyer, Bremen July 31, via Southampton Aug. 3, with mdse. and pass. to Oelrichs & Co.
Ship Plymouth Rock, Griffin, London July 6, and Isle of Wight, with mdse. and pass.
Bark Diana (Nor.), Roth, Gloucester 39 days, with salt.
Bark Mary (Br.), McIntosh, Greenock, via Sydney, C. B., 40 days, in ballast.
Bark Olaf Glas (Swed.), Yernat, Liverpool 39 days, with mdse.
Bark Mercur (Nor.), Friveld, Bahia 49 days, with sugar.
Bark Hong Cari (Nor.), Hansen, Ipswich 40 days, in ballast.
Bark Charlie of Windsor, N. S., Robinson, Hamburg 45 days, in ballast.
Bark C. Calannova (Ital.), Mazzello, Girgenti 80 days, with sulphur.
Bk. Ned White, Thombs, Havana Aug. 2, with sugar.
Schr. Zephyr, Muldrian, Charleston, S. C.

SCHOONERS—RIVER AND COASTWISE.

R. M. Tilton, Virginia. M. E. Allen, Maryland.
J. T. Williams, Virginia. C. N. Roach, Virginia.
P. C. Scammis, Georgetown, D. C.

SPOKEN.

July 24, lat. 16 30, lon. 47 50, bark Anide Maud (Br.), from Montreal for Buenos Ayres; also bars Bell (Nor.), steering south.
Aug. 11, lat. 40, lat. 69 04, bark Gessner (Ger.), hence for Queenstown.

DISASTER.

QUEBEC, Aug. 13.—The bark Capella, which left this port for Belfast July 31, is ashore at Metis. The ship Chaparal is also ashore near the same place. Steamers have gone to their assistance.

FOREIGN PORTS.

QUEENSTOWN, Aug. 13.—The Cunard Line steamship Russia, Cook, from New-York Aug. 4, arrived here at 1 p. m. to-day.

The Inman Line steamship City of Berlin, Kennedy, and the White Star Line steamship Baltic, Nesmith, sailed hence for New-York to-day, the latter at 6 a. m.

LONDON, Aug. 13.—Sailed for the United States: Eurydice, Ayme, Proteus, Herbert C. Hall, Greenhide, Maggie M., Helmesthan, Monte St. Angelo, Imperial, Delphine, Henry, Marianna Fifth, Rosa, Capt. Carson, Chas. Platt, W. H. Gould, H. F. Hussey, and Henry K. Tulloc. Arrived not on the 4th inst.: Fortuna, and Bandera Blora, at N. S., 12th, W. H. Jenkins, Victory, Pegasus, British Lion, and Liberties; 13th, Maria Louise, Daniel Slankin, Vulturno, Winona, Chandelier, City of Madrid, Emma L. Shaw, Westmoreland, and Formosa.

DOMESTIC PORTS.

BOSTON, Aug. 13.—Arrived, steamships Alice, and Achilles, from Philadelphia; barks Italy, from Leghorn; schrs. R. J. Carlton, from Jacksonville; John L. Mason, from Mansanillo; S. C. Tryon, from Baltimore; Royal Arch, J. W. Allen, Lillie Lee, C. W.