LOCAL MISCELLANY.

AUCTION SALE OF RARE BOOKS.

CURIOUS ANTIQUARIAN WORKS KNOCKED DOWN AT LOW PRICES.

The sale of a large collection of books was held yesterday afternoon and evening by Bangs & Co., No. 656 Broadway, and will be continued for a week or ten days. The library embraces books in almost every department of literature, but is especially rich in works relating to America, comprising early local histories, biographies, and genealogies. Prominent in the collection are books illustrated with rare portraits and plates, and a large number that are of the greatest interest to students of American history and general bibliography.

The afternoon sale was well attended, although the bidding was by no means spirited. Many valuable works sold for a trifle. A rare copy of "Proceedings of a Board of General Officers, Respecting Major John André, Sept. 29, 1780," Philadelphia, 1780, brought $50, and was the highest bid received for any book. "Voyages and Discoveries in South America," by Christopher d'Acuena, London, 1698, 8vo, calf, brought only $7 50; "The Works of John Adams," by Charles Francis Adams, 10 vols., uncut, brought $2 50 per volume. Alison's "History of Europe," 20 vols., post 8vo, half calf, $1 30 per volume; Allibone's "Dictionary of English Literature," 3 vols., cloth, $4 50 per volume; Almon's "The Remembrance; Repository of Public Events from 1775 to 1784," 16 vols., 8vo, old calf, $1 50 per volume; Major André's "The Cow Chace," New-York, 1780, 12mo, red morocco extra, uncut, $21 50; Dunlap's "A Tragedy, in Five Acts, as performed by the old American Company, New-York, March 30, 1798," with portraits of Dunlap and André inserted, $12 50; J. T. Bailey's "Historical Sketch of the City of Brooklyn," uncut, rare, $4 25; Bancroft's "History of the United States," Boston, 1861, 8 vols., $2 per volume; Bancroft's "Memorial Address on the Life and Character of Abraham Lincoln," 4to, cloth, uncut, $5 75; Joel Barlow's "The Columbiad," Philadelphia, 1807, $13 25.

At 7:30 p. m. the sale was continued by J. Sabin, auctioneer. Most of the bidders gave assumed names. Many books, however, went to "J. S.," who bought them in for private purchasers. About 700 volumes in all were knocked down yesterday, and with this estimate the sale should conclude in eight days precisely, as there are 5,600 lots. Henry Ward Beecher's "Life of Jesus, the Christ," brought only 50 cents; his "Eyes and Ears," 39 cents, while the rare edition of Mrs. A. Behn's "Poems Upon Several Occasions," London, 1684, 12mo, calf, went for $4 15. Following are the most important sales: Beeson's "Vindication of the Captors of Major André," New-York, 1817, uncut, $8 50; Benzoni's "History of the New World," Venice, 1572, $11 50; Beverley's "History of Virginia," London, 1705, blue morocco, extra, $15; Henry Harisse's "Bibliotheca Americana Vetustissima," New-York, 1866, imp. 8vo, uncut, $16; "List of Tories in the Revolutionary War," Philadelphia, 1862, $9; W. Rhodes's "Life and Typography of William Caxton," 65 plates, London, 1861, 2 vols., 4to, half morocco, $13 50 per volume; "The Publication of the Bedford Club," 11 vols., royal 8vo, $4 25 per volume; Headstreet's "Expedition to Fort Frontenac," London, 1759, $5 25; a complete set of Bridgewater Treatises, in 12 volumes, $2 per volume; Brunet's "Library Manual," 6 vols., 8vo, uncut, $8 25 per volume; Bunyan's "Pilgrim's Progress," London, 1850, illustrated, 2 vols., elegantly bound in calf, gilt edges, $10 75 per volume. A rare copy of William Cullen Bryant's "The Embargo," Boston, 1808, sold for $17, but Bryant's "Poems," 12mo, calf, was taken at 50 cents, and his "Thirty Poems" at 20 cents. The novels of Charles Brockden Brown, Philadelphia, 1887, 6 vols., brought 65 cents per volume, and Charlotte Brontë's "Shirley" and "Jane Eyre," Leipsic, 4 vols., 35 cents per volume. Bargains were gained by the purchasers of "The British Essayists," 2 vols., London, 1829, at $1 per volume, and "The British Novelists with Essay and Prefaces by Mrs. Barbauld," 50 vols., 12mo, calf, at 40 cents per volume.

A COAL CONFERENCE CALLED.

THE DELAWARE AND HUDSON ISSUES THE INVITATION.

The presidents of the leading coal companies have been invited by President Dickson of the Delaware and Hudson Canal Company to meet at its office to-morrow for a conference in regard to the present condition of the coal trade, and to devise if possible some measures of relief. The call does not suggest any particular plan. It was thought last evening that all of the large companies, including the Philadelphia and Reading Coal and Iron, the Delaware, Lackawanna and Western, the Pennsylvania Coal, the Lehigh and Wilkesbarre, and the Lehigh Valley coal companies would be represented. In reply to a telegram from Mr. Gowen, asking Samuel Sloan, President of the Delaware, Lackawanna and Western, if he intended to be present, Mr. Sloan answered that the call was made in such a way that he did not see how the president of any of the companies could fail to attend. Mr. Sloan stated to a TRIBUNE reporter last evening that he had not been consulted in any way in regard to the meeting or the propriety of calling one at this time, and all he knew about the matter was what he obtained from the invitation to be present, but if something could be done to improve the condition of the market no one could consistently refuse to lend a helping hand. Nothing had been said about a combination in the call, but possibly the other companies would permit the Delaware, Lackawanna and Western Company to continue its monthly auction sales and still agree among themselves upon a plan to regulate the supply. The Delaware, Lackawanna and Western could not afford to limit the sales to less than the people would buy, and it would consequently continue its action sales as heretofore.

At a meeting of the holders of the consolidated bonds of the Lehigh and Wilkesbarre Coal Company a committee consisting of P. C. Calhoun, C. A. Palmer, Warren Ackerman and Thomas Cochrane of this city, and R. J. Robbins, William Bucknell, and F. S. Barnes of Philadelphia, was appointed to make examination and report at a future meeting as to the value and condition of the company's property and the best course to pursue.

TWO OLD PEOPLE SERIOUSLY BURNED.

BRAVERY OF OFFICER NUGENT AT A FIRE IN CHERRY-ST.

Officer Nugent of the Madison Street Police discovered a fire early yesterday morning in the two-story and attic frame house at No. 227 Cherry-st. Bursting the door open, the officer found the smoke rolling up the stairway, filling the apartments above, which were occupied by Dennis Duane, age 75, and his sister, Maria Duane, 56 years old. Their shouts for help attracted the officer's attention and calling Officer Reagan to his assistance he attempted to reach their room. Crawling on his hands and knees so as to avoid suffocation the officer groped his way to the door, which he was unable to open far enough to enter the room. He tore the door from its hinges, and found that the woman had been lying against it. A portion of the room and its contents were on fire, and the smoke was very dense. The two officers removed the old man, whom they found half dressed sitting upon the bed, down the stairs. Officer Nugent then returned for Miss Duane, who was insensible. He carried her into the hallway after extinguishing the fire upon her clothing. Meanwhile the flames had communicated with the staircase, making egress in that direction impossible, while the fire at the front of the house prevented the officer's escape by the windows. He then endeavored unsuccessfully to get out of a rear window. The heat began to grow intense, and his hair was singed and his clothing on fire. He had thrown his heavy overcoat over the old woman, and had been forced to lie down flat in order to breathe. The firemen, however, had arrived, and partially extinguished the flames, so that Officer Reagan was able to go to his comrade's assistance, and the two patrolmen carried the old couple in their arms down a ladder into the street and to the Seventh Precinct Police Station, where their burns were dressed. Mr. Duane and his sister were afterward removed to Bellevue Hospital, where their injuries are pronounced probably fatal. The woman cannot possibly survive, being terribly burned about the body and legs.

The firemen soon extinguished the flames. Mr. Duane will lose about $120 on furniture. The first floor was occupied by Charles Sandrich, a harness maker, who loses $100 on stock. The building, which is owned by Edgar Peck of No. 144 East seventeenth-st., is damaged $500. The cause of the fire is unknown, but will be investigated by Fire Marshal Sheldon. Officer Nugent, who received burns on the hands and face, was congratulated for his bravery by Inspector Thorne and Capt. McElwain.

PREACHERS WITH CLOSED DOORS.

DISSATISFACTION WITH THE NEW SYSTEM.

The Methodist traveling preachers and pastors met yesterday at No. 805 Broadway, in secret session, according to the rules of reorganization adopted a week ago. Several notices were posted in conspicuous places bearing the announcement: "Traveling preachers and pastors of the Methodist Episcopal Church only admitted." Many local preachers, hoping that the rule would not be strictly enforced, and "devout women not a few," who had not been informed of the new regulation, assembled at the usual hour and were grieved to learn that neither demand nor entreaty would secure admittance. One of the entrances to the mission-room was closed, and at the other stood a clergyman who, while admitting that he considered it "all nonsense," discharged the duties of his position without fear or favor. A local preacher contemplating the notice on the door was heard to observe: "They had better have put it 'closed for repairs.'" From conversation with a number of the local preachers it appeared evident that the new rule was regarded very unfavorably by them and was thought to be an infringement of their rights as members of the Methodist body. Many of the traveling preachers and pastors also are strongly opposed to the methods of the new organization, and the remark was not infrequently made that the local preachers were entirely innocent of the "improprieties" which had been the cause of complaint. One gentleman expressed the opinion that the new rule was not aimed at the local preachers so much as at representatives of the press, but a reporter of a city paper being also a local preacher, it was necessary to exclude all of that class of the clergy in order to cover his case.

Within the closed doors the usual proceedings of the meeting were quietly conducted. The topic of discussion, continued from the previous week, was the removal of the three years' limit to the pastorate. The Rev. Dr. Sims of Brooklyn read a paper favoring the removal of the limit, and the Rev. Dr. Curry argued in opposition. There was a somewhat spirited discussion, but it was not learned that any of the clergymen so far forgot themselves as to use expressions which they would be ashamed to see in print.

THE TOMPKINS-SQUARE GRIEVANCE.

COMPLAINTS OF PROPERTY-OWNERS.

A large number of the owners of property fronting on Tompkins-square, accompanied by Assemblyman Luke F. Cozans, called on Mayor Ely yesterday in relation to the alterations made in the square by the Park Commissioners. They asked the cooperation of the Mayor to restore it to its former use as a park. They said that two appropriations of $50,000 and $12,000 had been expended by the Park Commissioners for these alterations, but the so-called improvements remained unfinished and the square was a disgrace to the city. A high mound of earth had been placed in one corner, walled in by solid masonry, to be used as a reviewing hill. At Tenth-st. and Avenue A it was proposed to build at great expense a nondescript cottage with a grotto under it. The foundations only had been laid and the appropriation was exhausted. The property-owners protested against these works as unnecessary and extravagant. The park could have been put in good order for less than $20,000; now it would take probably $50,000 additional to finish the work. Under Tweed the square had been leveled and paved with asphalt for use as a parade ground. As soon as a new administration came in, the square was turned upside down and the public money wasted in ornamental works and buildings not required by the neighborhood, and objected to by the owners and tax-payers interested. Park Commissioner Vetta was criticised sharply.

Mayor Ely remarked that as the Legislature was in session and propositions were pending for a change in the Park Department, it might not be proper for him to say anything further than that he would visit the square and would confer with the Park Commissioners. Assemblyman Cozans pressed the Mayor to get the commissioners to use the general funds appropriated for park purposes to finish the improvements and put the square in good order.

RIVAL LINES AT CROSS PURPOSES.

ALMOST A FIGHT AMONG THE EMPLOYES.

The line of the new Manhattan Beach Railroad Company to Coney Island crosses the track of the Prospect Park and Coney Island Company at Parkville, Long Island, where Foster-ave. intersects Gravesend-ave. The rails of the new road have been laid to that point, but yesterday an attempt was made by the Prospect Park and Coney Island Company to prevent the crossing of its track. By order of Superintendent Schermerhorn a locomotive was stationed on the old road at the exact spot where the new road would cross; when the 200 or more Italian laborers went to their work yesterday on the Manhattan Beach road they found the locomotive on the track in their way, and about forty employes of the old road ready to oppose any movement on their part to advance the road. Superintendent Burton of the new road ordered the locomotive to be removed; when the demand was refused he gave instructions to his men to dig the earth from under the engine. As soon, however, as Burton's men began digging under the track and throwing up the dirt, the south side force of workmen, under orders from the superintendent, started a counter movement. They threw back the dirt upon the diggers as fast as it was tossed up, and in the excitement the men came more closely together, and the spades and picks clashed in the liveliest manner. The Italians finally became discouraged and retired, although outnumbering the others almost five to one, and left the employes of the old road in undisputed possession. Information of the disturbance was sent to Police Headquarters about 12:30 o'clock, and a special squad of officers was taken by rail to the spot. When they arrived, however, all was quiet and it was found that their assistance was not needed. Col. J. H. Berger obtained yesterday from Judge Pratt an injunction restraining the Manhattan Beach Company from interfering in any way with the tracks or works of the Prospect Park and Coney Island line. The injunction was served on the company in New-York at noon yesterday, and simultaneously on the men in charge of the Italians at Parkville.

APPRAISING SILKS WORTH A MILLION.

Appraiser Ketchum of the Custom-house heard further evidence yesterday upon the case which he has recently been called upon to settle, involving the market value of silks. The recent order of the Treasury Department to advance the invoice rate on silk goods 25 per cent requires that a reappraisement be made of goods now in the Custom-house valued at $1,000,000. Appraiser Ketchum, assisted by a merchant appraiser, Samuel McLean, yesterday examined two members of leading silk importing firms of this city, Mr. Moore of A. Person, Harriman & Co., and W. H. De Forest, taking 28 cases of silk imported by these firms as a test case. The testimony of the witnesses was substantially the same, and was adverse to the advancement of the present invoice rates. Evidence was given concerning the prices that have been obtained in this city for silks of various kinds. After the examination of several witnesses this morning Appraiser Ketchum and the merchant appraiser will render a decision on the case. The importers of silks are strongly opposed to an advance in the present invoice rate of goods. If the invoice rates should be advanced only 10 per cent they claim that they will be compelled to pay an increase of 20 per cent in the duty on the whole valuation.

SINGULAR APPLICATION BY FRENCH COLONISTS.

Mayor Ely received yesterday a company of French emigrants who were on their way to Virginia and Kentucky. They are about to establish a colony in one of those States, and wish to provide for any poor unemployed Frenchmen in this city who will become members of the new organization. The colonists requested a loan of $20,000 from the city authorities with which to purchase land and make improvements for the benefit of the Frenchmen taken from the city. They proposed to secure the city against loss by giving a mortgage on the property. The Mayor told them he feared that the laws governing the city would not admit of this loan of money, but he would lay their petition before the Board of Estimate and Apportionment.

MRS. GILMORE'S INFANT NOT STRANGLED.

Deputy Coroner Miller yesterday made a post-mortem examination of the body of the infant of which Mrs. Mary Gilmore, a colored woman, was the mother, and which it had been alleged was born alive and smothered in the presence of Dr. Newcomb and Washington I. Butler, a lawyer. The autopsy showed that the child had never drawn a breath and was still-born, as Dr. Newcomb had declared; but while here there were any evidences of an abortion having been produced, the Deputy Coroner refused to state. Coroner Flanagan is in possession of some affidavits which are said to throw additional light upon the case, but he refuses to make them public until the inquest shall take place.

ART IN EDUCATION.

A BRANCH OF COLLEGE INSTRUCTION.

PARKE GODWIN'S ADDRESS TO THE PRINCETON ALUMNI.

About fifty of the alumni of Princeton College gathered last evening in one of Delmonico's handsomely furnished rooms at Fifth-ave. and Twenty-sixth-st., to listen to an address by Parke Godwin, the President of the Alumni Association, on "Art as a Branch of College Instruction." Had it not been for the storm a much larger number would have been in attendance. However, Mr. Godwin had an appreciative audience, who gave close attention to his address, which was kindred to the one delivered recently at Yale College, and reported at length in THE TRIBUNE. The substance of it is here given:

One gap—a singular gap in the ordinary courses of collegiate instruction—is that which omits all reference to the theory and practice of art. What would be thought of a course of higher instruction that should leave out science, philosophy, or religion? And yet art, as a means of man's mastery of the world, stands on a level with either of these. What is art but expression? It is an effort of the mind to impress itself upon matter or to subordinate matter to its own sentiments. If the mission of science has been to reveal the universal oneness of nature; if the mission of religion has been to effect a universal oneness of spirit; so the mission of art has been, by the subjection and molding of nature to the demands of the spirit, to bring about the universal oneness of the two in more and more perfect realizations of the two. Art originates in one of the profoundest impulses of the human soul, and a proper exercise of it requires a combination of the highest faculties; but its consummate peculiarity is that it first discloses to us that spiritual freedom which is the distinguishing mark and characteristic of mankind. Every step of progress has been the conquest of mind over matter; every step the revelation of a new spiritual freedom. The pulse-beats of art have been the pulse-beats of civilization; her monuments are time's proudest records. Whenever and wherever a grand thought seizes the human mind, or an intense feeling takes possession of the human heart, it must, by an imperishable law of man's being, find expression—which expression will be in some one of those forms of art that have either space or time for their theater.

What I would have, then, is this: In every college a professorship of art, considered not as a dark hole in a blank wall of metaphysics, but as a theory and an exemplification of one of the most vital of the social influences. I would have these professorships filled by men who have ceased to exhibit with the bats and owls of the dusty cloister, and whose souls are as sensitive as a photographer's plate to every ray of the world's light. I would have halls of art where you might gather masterpieces or faithful copies of them to illustrate the might and the majesty of human genius. I would have the language, ancient and modern, supplemented by the more universal language—of no age or nation, or rather of every age and nation—which speaks in the mystic symbolism of all sights and sounds. In a word, I would have our youth, about to enter upon the hard and trying practicalities of life, encounter them with a better logic than that of the attorney; and thus appareled, should disappointment or disaster come—as they often do come—they may find a strong upbearing consolation in the resources of taste; then if they are stunned by the crimes of selfish and shameless politics into despair—and that too, sometimes happens—they may recover tone in the purer atmosphere of unstained and immortal beauty. In the glory, my friends, it is the privilege of the scholar that he may live in other worlds than this dusty, beaten world of toil and strife. Science for him, literature for him, philosophy for him, open the portals of those other worlds, seemingly more shadowy than this, but in fact no less real. But of those circumjacent realms, what one so attractive, so lovely, so full of serene repose, as the realm of art?

THE COURTS.

A CONVICT'S EFFORT TO REFORM.

PRACTICAL SYMPATHY SHOWN FOR CHRISTIAN HANSEN.

Christian Hansen, the man who conspicuously attempted to enter the premises at Nos. 111, 113, and 115 Broadway on Sunday morning, in order that he might be arrested and sent to the State Prison, will be provided with employment as soon as he is strong enough to work. The story which he related to Judge Kilbreth in the Tombs, to which he was taken directly by the policeman who arrested him, is considered to be true by the authorities. Steps have been taken, however, to verify or disprove it. Hansen said that he was born in Denmark of respectable parents, who gave him a fair education. He came to this country in 1863, enlisted in Company K of the 7th Volunteers, and took part in a number of engagements. After the war he obtained employment on a railroad at $2 a day, but he fell into the hands of some gamblers, among them the notorious "Eph" Holland. Going from bad to worse, he was finally engaged in robbing the First National Bank of Cincinnati. His share of the proceeds of the robbery, which amounted in all to nearly half a million, was only a thousand dollars. This he wasted the succeeding day in dissipation with Holland. Not having been detected in his first crime, he next helped to rob an express car on the Vandalia Railroad in Indiana. He was arrested at St. Louis, his shrewder companions escaping. Hansen was tried, convicted, and sentenced to 20 years' imprisonment, but after serving half his time was pardoned in February last by the Governor of Ohio for good conduct. Since his liberation his experience has been most disheartening. He wished most earnestly to live an honest life, but could find no work. He walked from Columbus to Cincinnati and thence to Pittsburgh but could not get any employment. In Philadelphia and New-York he succeeded no better. He slept at the cheap lodging-houses in this city, and on Friday last spent all he had left for something to eat. From Friday until Sunday he went without food. At length, in desperation, he resolved to break the law and get food and lodging in prison. This was the reason for his ostentatious attempt to enter the buildings on Broadway in full view of a policeman.

THE DIAMOND THEFT.

M'CARTY ON TRIAL IN THE GENERAL SESSIONS.

William F. McCarty, the former Confederate colonel, who was arrested a few weeks ago, accused of complicity with Oliver Halsted and Elwood Thompson in stealing from Charles V. Hand of No. 230 West Thirty-fifth-st. a lot of diamond jewelry valued at $12,000, on which they promised to effect a loan for Hand, was placed on trial before Judge Gildersleeve, in the Court of General Sessions yesterday. Mr. Hand was the first witness called for the prosecution, and gave substantially the same version of the robbery as that published in THE TRIBUNE a short time ago. He had advertised for a loan on the diamonds on Jan. 19, and was called upon a day or two afterward by McCarty, with whom he had a slight acquaintance. McCarty thought he could find a person who would advance the money on the diamonds, and after some negotiations introduced Halsted and Thompson to Mr. Hand, who was taken by them to various hotels, was carried about in a cab and finally was induced to go with them to No. 52 Wall-st., where they represented there were persons who would advance the money. Thompson went into the building and soon came out and called in McCarty, leaving Mr. Hand in the cab. They soon came back and joined Mr. Hand, saying that the arrangements had not been completed, but they would get the money on the following morning. It is a theory of the prosecution that McCarty and Thompson intended to get into No. 56 Wall-st., where they could go in by one door and escape by another with the diamonds. The next day they took Mr. Hand to the Bennett Building, which has entrances on Fulton, Nassau, and Amesth. They told Mr. Hand that they expected to meet the persons who were to advance the money at Judge Sutherland's office in that building. Mr. Hand was left in the cab while the men went into the building. He soon followed, and seeing them pass out of the building by the Fulton-st. door he watched their movements. They went into the Belmont Hotel, which adjoins the Bennett Building, and two of them, whom Mr. Hand recognized as McCarty and Thompson, came out and put a third man in a carriage, which drove rapidly away. Mr. Hand followed McCarty up stairs in the hotel, where the prisoner attempted to escape by passing through one room into another, but his passage was checked by a barred door. McCarty was taken into custody, but the other men escaped with the diamonds. The case is still on.

ONE OF THE FAMOUS BOND FORGERS SENTENCED.

Stephen Raymond, the last but one of the five men arrested for the extensive forgeries of Buffalo and Erie railroad bonds which were put upon the market in 1873, pleaded guilty yesterday in the Court of General Sessions to one of several indictments for forgery and was sentenced by Judge Gildersleeve to five years' imprisonment in the State Prison. Raymond was extradited from England for his crime soon after the forgeries were discovered, and after remaining for several months in the Tombs was taken to Elmira as a witness in another case. While there he made his escape, but was arrested in Philadelphia for engaging in a lottery swindle and was sent to the Moyamensing Prison for three months. When his time expired he found a bench warrant from this city awaiting him, and he was brought here and held on the old charge. The forgeries in which Raymond was engaged amounted to about $700,000.

THE MISSING RICHMOND COUNTY RECORDS.

County Treasurer Robinson of Richmond County, S. I., has entered suit before Judge Pratt of Brooklyn against ex-Treasurer McRoberts for the recovery of the books belonging to the office, which are alleged to have been lost. Mr. McRoberts, through his counsel, has obtained an extension of time in which to produce them. The expert employed by the Supervisors was employed yesterday in examining the accounts of the ex-Treasurer. Ex-Supervisor Wood of Northfield has also been engaged to assist Mr. Denyse in looking over Mr. McRoberts's accounts. Mr. McRoberts has the following bondsmen who have qualified in $200,000: John J. Hyatt, Cornelius Van Name, William Lisenader, George Barnes, John Waters, ex-Supervisors Bedrick and Christopher, David Moore, Charles Bishop, Philip Wolf, Abraham Lotemiche, and Timothy Burke.

UNITED STATES SUPREME COURT.

ARGUMENT IN THE CASE OF THE GOVERNMENT AGAINST THE CENTENNIAL BOARD OF FINANCE—THE RIGHT TO RECOVER THE AMOUNT OF THE APPROPRIATION IN AID OF THE EXHIBITION.

WASHINGTON, March 19.—The Attorney-General in some brief remarks submitted the resolutions of the Bar upon the occasion of the retirement of Mr. Justice Davis from the bench of the Supreme Court, and the Chief Justice directed them to be entered upon the minutes.

The Hon. Jacob Vanatta of New-Jersey moved for leave to file the bill, and for a writ of preliminary injunction in the boundary case between New-Jersey and Delaware, the object of the suit is to settle the boundary line for about 75 miles on the Delaware River between the two States. Senator Bayard appeared for Delaware. The following case was then taken up and the argument proceeded:

No. 888—George Ryder, Assistant Treasurer of the United States and Philadelphia, plaintiff in error, vs. Centennial Board of Finance et al.; appeal from the Circuit Court for the Eastern District of Pennsylvania.—This is the case of the Government to recover the amount of the Centennial appropriation; the question to be determined is whether or not the United States is entitled to be reimbursed the $1,500,000 advanced under the act of February, 1876, to the Centennial Board of Finance, out of money in the hands of the board, it being less the amount of stock subscribed by other parties to the enterprise; the United States insist, in substance, that Congress had no authority under the Constitution to make the appropriation, and that for this reason the money should be returned to the Treasury of the United States. Mr. Carpenter, for the Board, argued that Congress had authority, then it could secure priority of payment to the United States over all other creditors; that the act making the appropriation did provide, in language which cannot be fairly construed subject to use, that the United States should be paid the full amount of such appropriation before any dividend whatever should be paid to the stockholders of the Centennial Board of Finance; that such was the unmistakable intention of Congress is evinced by the act itself, by the proceedings and debates at the time the act was pending, and by all other acts of Congress in pari materia; that subscriptions were made to the capital stock of the corporation by individual citizens, by municipalities, and the several States, in view of the fact that Congress had refused repeatedly to aid pecuniarily the enterprise, and that such subscriptions were merely voluntary contributions, and without expectation of a return thereof from the treasury, much less from an appropriation by Congress; that the City of Philadelphia and the States of Pennsylvania and New-Jersey—the subscribers to the greater portion of the capital stock—have already received incalculable benefit on account of the location of the Exhibition, a benefit vastly greater than the whole amount of their aggregate subscriptions to the capital stock of the Centennial Corporation; that such subscriptions were made with a view to the advantages to be derived from the location of the International Exhibition at Philadelphia, and that the subscribers have already received the full share of their compensation; that national honor and good faith require that the $1,500,000 appropriated by Congress should be returned to the public Treasury in accordance with the terms of the act making the appropriation; that such return will deprive stockholders of no vested rights; that it will carry out the law of Congress according to its letter and spirit, and do justice to all concerned.

On the part of the Board of Finance it is contended that the effect of the provision in the act was to provide for the repayment of the appropriation before the division of profits; and that the profits and the basis of the profits upon which dividends were to be made, were to be ascertained and distributable in the following order: First, in payment of its creditors; second, in redemption of capital stock; third, in repayment to the United States; and fourth, by division of the remaining assets among stockholders by a pro rata dividend. The effect was, it is argued, to advance the United States by postponing any dividends or profits until after the repayment of the moneys appropriated; and this was not inequitable, for it is familiar knowledge that this was not a stock corporation obtaining subscriptions by holding out enticements of large returns, but simply to sustain a national enterprise; hence, while it might be equitable to provide for a repayment before a distribution of profits, it would have been in the highest degree inequitable to better the gift with a clause requiring repayment before distribution of capital. Thus, it is to be presumed, Congress well knew; and appropriate language has been used to carry that idea. The proviso is simply a declaration that, after the liabilities should have been paid and the capital stock restored to the subscribers, the United States should then be repaid its $1,500,000 before the distribution of any profits. Nothing but a strained perversion of language which is particularly clear can lead to a different conclusion. The utmost that can be said to the contrary is that Congress appears to have never supposed that there would be a deficiency of capital, and therefore omitted to provide for the event; and the answer to this suggestion is that the capital had already been provided for by the 10th section of the act of 1872, and that the proviso in the act of 1876 related solely to profits. The argument will be completed to-morrow. Assistant Attorney-General Smith and the Hon. Wm. M. Springer for the Government; W. B. Rawle, B. Williamson, and R. N. Wilcox for the Board of Finance.

CIVIL NOTES.

In the suit of Ernest Knabe and others against Ernest Eberhardt, already reported in THE TRIBUNE, Judge Freedman, in Superior Court, Special Term, decided yesterday the plaintiffs' motion for a bill of particulars of the defendant's counter claims.

Judge Van Brunt, in Common Pleas, Special Term, has granted an order fining Samuel H. Randall, a lawyer, $7,187 for contempt of court and committing him to the common jail until it is paid. Mr. Randall is charged with drawing $7,000 from the Chamberlain of the City in a suit after he had been enjoined.

In the suit of The People on the relation of McQuade against Pinckney, Judge Lawrence, in Supreme Court, Chambers, decides that when a District Court Judge has approved a bond given for the removal of a cause from his court to the Court of Common Pleas, he must sign the order making such removal. It is not discretionary with him.

In the proceeding by Susan Ehrendorf to recover possession of her children, Harriet and George, whom she intrusted to the New-York Juvenile Asylum, and who were sent by that institution to Illinois, Judge Lawrence, in Supreme Court, Chambers, decides on an examination of the testimony that she knew what she was doing when she signed the paper surrendering them, and that the power given by the charter of the asylum to bind out children thus surrendered is constitutional. He therefore dismisses the proceeding.

The suit of Benjamin Dietz against John T. Parish is now on trial before Judge Freedman in Superior Court, Special Term. It grows out of an agreement by the defendant to purchase a lot on the north-west corner of Madison-ave. and Fifty-sixth-st. from the plaintiff for $38,000. The defendant admits signing such an agreement, but says it was subject to the approval of his counsel; that he took it to his counsel to examine, and that plaintiff got it from some one who had no rights to deliver it. He further charges that the plaintiff has not a title to all the lot, but only a part of the common, and was sold by the city in 1816 by lot numbers on Goerck's map, a very old map. Since that map was prepared considerable changes have been made in the plan of the city, and the defendant claims that the next lot south of his not only includes the whole of that part of Fifty-sixth-st. but also includes some inches on the north side of the street, cutting off his street and corner frontage. The case is still on. S. Kauffman appears for the plaintiff; W. W. Macfarland for the defendant.

DECISIONS—MARCH 19.

Supreme Court—Chambers—By Judge Lawrence.—Brett Lithographic Co. agt. Jamansky.—The security, Rosenberg, is not sufficient. Henrich agt. Goldstein.—The surety, Simon, is sufficient; the surety, Rosenbaum, is insufficient. Turner agt. McEwen.—The affidavits of the respective attorneys are exceedingly contradictory, and there must be a reference to take proofs and report thereon. McNerney agt. Carson.—Motion granted on default; the plaintiff to give bond, with two sufficient sureties, in sum of $1,000, and on these conditions injunction on stay continued. Foster agt. Lent et al.—The receiver was appointed in June, 1875, and no steps seems to have been taken by the plaintiff to serve the affidavit of the corporation worthy of his assets converted into cash; the receiver, Brough counsel, stated on the argument that he is desirous of being relieved; I think that the creditors represented by Mr. Gould are entitled to enforce their judgments, particularly as it does not appear from the papers before me that there are any other judgment creditors; this motion must be granted. Matter of Kimball.—The counsel who asked for and opposed the discharge of the prisoner will materially aid the court by presenting briefs or points setting forth the grounds on which they respectively rely in this case. Stuart agt. Harris.—No papers or affidavits having been presented in opposition to this motion, it is granted. Schroeder agt. Hammerstein; Hall agt. Hammerstein.—The inquests in these cases are opened on condition that the judgments stand as security that the costs before notice of trial and costs of the court in each case be paid by defendant; that the cases be set down for trial on Friday, March 23, peremptorily; no further excuse is then to be offered for not proceeding with the trial. Cary agt. Donovan.—The defendant ought to be allowed to set up the facts stated in his affidavit on an amended answer; the motion for a reference under such circumstances is premature; the motion for leave to serve an amended answer is granted on payment of $10 costs of motion; the motion for a reference may stand over until the first Monday of April; the amended answer must be served within five days from the entry of the order, and if it should necessitate a reply the motion for a reference can be further adjourned. Matter of the Elastic Trass Company.—The order in at the property of the company should be sequestrated and the receiver should be appointed was right, and should not be disturbed. People ex rel. Roome agt. O'Brien.—In this case the court which the defendant claims under the order cannot be passed upon by me until I have the items before me. Dinkelsbiel agt. Levy.—The plaintiff has omitted to submit his original motion papers; they must be filed, and the motion can be disposed of without waiting for such minor matters; the papers are quite fully discussed on the argument of the motion and the complaint on answering affidavits, which contain the necessary facts; in my opinion the injunction should be continued *pendente lite*; the disposition or assignment of the defendant's mortgage at this time might work irreparable injury to the plaintiff; it is not if it is a valid security, I can see no damage which will result to the defendant from restraining him from selling or disposing of it until this case can be tried. Delafield agt. May.—The defendant shows no reason whatever for granting him permission to serve an amended answer; nor is any fact stated in his affidavits from which information can be gleaned as to what the nature of his proposed amended answer will be, nor what fact it is intended to set up as a defense. The order for leave to file and for by the defendant in that respect cannot, therefore, be granted. But I think that the defendant should have an opportunity to try his case on the pleadings as they now stand, and it is granted on condition: (1) That the judgment and levy stand as security; (2) that the defendant pay $10 costs of the motion; (3) that the case be put upon the short calendar for Friday, March 23, and that no application be made to postpone the trial of the same. Smith agt. Wright.—In this case only the points of counsel and a copy of the printed case, &c., have been submitted. The motion cannot be disposed of until the original motion papers and the report of the referee are before the Court. Brown agt. Brown.—The plaintiff is entitled to the order confirming the report of sale and to docket judgment for the deficiency against the executors as executors of John L. Brown, and also against them as the sole legatees under the will. He is entitled to judgment against the executors, notwithstanding the proceedings now pending before the Surrogate. Section 913 of Act. 2 of Code of Pro. 1 of 2, R. S. omes not provide for a service of the notice upon them referred to from payment of debts; on the contrary, that power is expressly reserved. The mortgage which was foreclosed was executed by the testator, and the amount of the deficiency is a debt due from his estate so far as the judgments against the defendants individually are concerned; while the plaintiff is entitled to docket it, he ought not to be permitted to use it as a lien or steps to enforce it until the question of the validity of the will has been determined by the Surrogate. Let an order conforming to these views be presented. Gunes agt. Gunes.—An action of this character should never be disposed of on a default. Taking the plaintiff's own statement, the service of the answer was only one day late, and I see no reason why it should not be received. The motion to strike out the answer and for judgment of divorce in favor of the plaintiff on such a default, notwithstanding the strength of the evidence presented by the plaintiff's affidavits as to the offense of the defendant; the defendant ought to be heard on condition that she serve her answer within five days from the entry of the order herein, and pay $10 costs of motion, &c., on the further condition that a referee of the whole issue is consented to, the referee to be appointed by the court, as required by Rule 87; the default is opened; if these conditions are complied with the motion for judgment is denied; the reference will proceed on four days' notice. Calver agt. Hehn.—The authorities seem to be very conflicting upon the point whether one partner can confess judgment so as to bind the firm. Lambert agt. Campell, 19 Howard, p. 265, is a direct authority against the right of the individual partner to confess such judgment; Arent agt. Lonacka, 6 Barb., 12, appears to hold the reverse. There is one question which should be determined in this case before a satisfactory disposition of the motion can be made. That is, whether the confession of judgment was collusive or whether it was made in good faith. I shall refer the papers to A. DeW. Babcock, esq., to take proofs as to the facts and circumstances of the judgment and to report thereon. The reference will proceed on two days' notice. McQuade agt. Pinckney.—The third section of the act of 1857 makes it the duty of the justice of the district court, upon the application of the defendant, to make an order requiring the plaintiff to give security for costs, &c., on the further condition that a reference