said, with significant emphasis, "and they will stand." The equal-rights amendments are the legislation of the War for the Union, and they ought to stand. Great wars always legislate. A little more than a hundred years ago, this land, where we now are, was claimed and held by France. General Wolfe, on the Plains of Abraham, settled that claim, and the result was the transfer of the title and jurisdiction of this entire section of the country to England. For a few years its chief ruler was the English king. The Revolution followed, and the question of its ownership was again the subject of war legislation, and it became a part of the United States, no longer under a monarchy, but under a free Republican Government.

I need not enter into any discussion of the causes of our civil war. We all know that the men who planned the destruction of the Union and the establishment of the Confederate States based their attempt on a construction of the Constitution called the State Rights doctrine, and on the interest of the people of those States in the extension and perpetuation of slavery. The doctrine of State Rights was, that each State was sovereign and supreme, and might nullify the laws of the Union or secede from the Union at pleasure. They held that slavery was the natural and normal condition of the colored man, and that, therefore, slavery in this country could and should be the corner-stone of a free government.

PRESIDENT LINCOLN'S STATEMENT OF THE ISSUES OF THE WAR.

No man has ever stated the issues of the civil war more fully, more clearly, or more accurately than Mr. Lincoln. In any inquiry as to what may fairly be included among the things settled by our victory, all just and patriotic minds instinctively turn to Mr. Lincoln. To him, more than to any other man, the cause of Union and liberty is indebted for its final triumph. Besides, with all his wonderful sagacity, and wisdom, and logical faculty, dwelling intently, and anxiously, and prayerfully, during four years of awful trial and responsibility, on the questions which were continually arising to perplex and almost confound him, he at last became the very embodiment of the principles by which the country and its liberties were saved. All good citizens may now well listen to and heed his words. None have more reason to do it with respect and confidence, and a genuine regard, than those whom he addressed in his first inaugural speech as "my dissatisfied fellow-countrymen." The leader of the Union cause was so just and moderate, and patient and humane, that many supporters of the Union thought that he did not go far enough or fast enough, and assailed his opinions and his conduct; but now all men begin to see that the plain people, who at last came to love him, and to lean upon his wisdom and firmness with absolute trust, were altogether right, and that in deed and purpose he was earnestly devoted to the welfare of the whole country, and of all its inhabitants.

Believing that Mr. Lincoln's opinions are of higher authority on the questions of the war than those of any other public man on either side of the controversy, I desire to present them quite fully and in his own language. In the third year of the war, and while its result was still undecided, Mr. Lincoln made his memorable address at the consecration of the Gettysburg National Cemetery, on the 19th of November, 1863. He was standing on the field of the greatest battle of the war. He was, no doubt, deeply impressed with the heavy responsibilities which he had borne so long. He spoke not as a partisan, embittered and narrow and sectional, but in the broad and generous spirit of a patriot, solicitous to say that which would be worthy to be pondered by all his countrymen throughout all time. In his short speech of only two or three paragraphs he twice spoke of the objects of the war, once in its opening and again in its closing sentence. The words have been often quoted, but they cannot be too familiar. They bear clearly and forcibly on the question we are considering. "Four score and seven years ago," said Mr. Lincoln, "our fathers brought forth on this continent a new Nation, conceived in liberty and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that Nation, or any nation so conceived and so dedicated, can long endure." And again, in closing, he said: "It is rather for us * * * that we here highly resolve that the dead shall not have died in vain; that the Nation shall, under God, have a new birth of freedom, and that Government of the people, by the people, and for the people, shall not perish from the earth." No statement of the true objects of the war more complete than this has ever been made. It includes them all—Nationality, Liberty, Equal Rights and Self-Government. These are the principles for which the Union soldier fought, and which it was his aim to maintain and to perpetuate.

THE STATE RIGHTS DOCTRINE.

If any one supposes that that construction of our National Constitution which is known as the State Rights doctrine is consistent with sound principles, let him consider a few paragraphs from Mr. Lincoln's first message to Congress, at the extra session of 1861. Speaking of what was called the right of peaceful secession—that is, secession in accordance with the National Constitution—he said:

This sophism derives much, perhaps the whole, of its currency from the assumption that there is some omnipotent and sacred supremacy pertaining to a State—to each State of our Federal Union. Our States have neither more nor less power than that reserved to them in the Union by the Constitution, no one of them ever having been a State out of the Union. The original ones passed into the Union even before they cast off their British colonial dependence, and the new ones each came into the Union directly from a condition of dependence, excepting Texas. And even Texas, in its temporary independence, was never delegated a State. The new ones only took the designation of States on coming into the Union, while that name was first adopted for the old ones in and by the Declaration of Independence. Therein the "United Colonies" were declared to be "free and independent states;" but even then, the object plainly was not to declare their independence of one another, or of the Union, but, directly the contrary, as their mutual pledge, and their mutual action, before, at the time, and afterward, abundantly show. The express plighting of faith by each and all of the original thirteen, in the Articles of Confederation, two years later, that the Union shall be perpetual, is most conclusive. Having never been States, either in substance or in name, outside of the Union, whence this magical omnipotence of "State Rights," asserting a claim of power to lawfully destroy the Union itself? Much is said about the "sovereignty" of the States; but the word, even, is not in the National Constitution, nor, as is believed, in any of the State constitutions. What is a "sovereignty," in the political sense of the term? Would it be far wrong to define it "a political community, without a political superior?" Tested by this, no one of our States, except Texas, ever was a sovereignty; and even Texas gave up the character on coming into the Union; by which act she acknowledged the Constitution of the United States, and the laws and treaties of the United States made in pursuance of the Constitution, to be, for her, the supreme law of the land. The States have their status in the Union, and they have no other legal status. If they break from this, they can only do so against law, and by revolution. The Union, and not themselves separately, procured their independence and their liberty. By conquest or purchase, the Union gave each of them whatever of independence and liberty it has. The Union is older than any of the States; and, in fact, it created them as States. Originally, some dependent colonies made the Union, and, in turn, the Union threw off their old dependence for them, and made them States such as they are. Not one of them ever had a State Constitution independent of the Union. Of course, it is not forgotten that all the new States framed their constitutions before they entered the Union; nevertheless dependent upon, and preparatory to, coming into the Union.

Unquestionably the States have the powers and rights reserved to them in and by the National Constitution, and upon this point, in another part of this great message, Mr. Lincoln says:

This relative matter of National power and State rights, as a principle, is no other than the principle of generality and locality. Whatever concerns the whole should be confided to the whole—to the General Government; while whatever concerns only the State should be left exclusively to the State. This is all there is of original principle about it.

Mr. Lincoln held that the United States is a nation, and that its Government possesses ample power under the Constitution to maintain its authority and enforce its laws in every part of its territory. The denial of this principle by those who asserted the doctrine of State Rights, and who rightly claimed that it was inconsistent with State sovereignty, made up an issue over which arose one of the leading controversies which led to the civil war. The result of the war decided that controversy in favor of nationality and in favor of the supremacy of the National Government.

This decision is in accordance with the principles of the fathers. On this day ninety-two years ago, the delegates in convention at Philadelphia agreed to the Constitution of the United States, which was afterward ratified and adopted. On the same day, September 17, 1787, General Washington sent a letter transmitting the Constitution to the Congress in session in New-York. In that letter he said:

The friends of our country have long since desired that the power of making war, peace and treaties, that of levying money and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the General Government of the Union. * * * It is obviously impracticable in the Federal Government of these States to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. * * * In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American—the consolidation of our Union—in which is involved our prosperity, felicity, safety, perhaps our National existence.

Again, in his Farewell Address, Washington said:

The unity of Government, which constitutes you one people, is also justly dear to you. * * * The name of American, which belongs to you in your National capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations.

On the question of human rights Mr. Lincoln was equally explicit, and often declared that it was involved in the conflict, and to be decided by the result. In his matchless message, already quoted, he says:

Our adversaries have adopted some declarations of independence, in which, unlike the good old one, penned by Jefferson, they omit the words, "all men are created equal." Why? They have adopted a temporary National Constitution, in the preamble of which, unlike our good old one, signed by Washington, they omit, "We, the people," and substitute, "We, the deputies of the sovereign and independent states." Why? Why this deliberate pressing out of view the rights of men, and the authority of the people? This is essentially a people's contest. On the side of the Union, it is a struggle for maintaining in the world that form and substance of government whose leading object is to elevate the condition of men; to lift artificial weights from all shoulders; to clear the paths of laudable pursuit to all; to afford all an unfettered start, and a fair chance in the race of life. Yielding to partial and temporary departures, from necessity, this is the leading object of the Government for whose existence we contend. I am most happy to believe that the plain people understand and appreciate this.

On the subject of suffrage, Mr. Lincoln's guiding principle was that "no man is good enough to govern another man without that other man's consent." Thus we have from the lips and pen of Mr. Lincoln—the great leader and representative of the Union cause—in the most solemn and authentic form, a complete statement of the issues of the war. He held that the Union is perpetual; that its Government is National and supreme, and that all of its inhabitants should be free, and be accorded equal civil and political rights. These are the great fundamental principles, affirmed on one side and denied on the other, upon which the appeal was made to the God of battles. I do not undertake to review the debate as to the nature and powers of the Government of the Union, and as to the doctrine of State Rights, which began with the foundation of our institutions, and which was continued until it was hushed by the clash of arms. It is enough for my present purpose to say that, as a matter of history, all of the political parties of the past, when charged with the responsibility of directing the affairs of the Government, have maintained in their practical administration of it precisely the same principles which were held by President Lincoln. The principles as to the powers of the National Government which were acted upon by Washington and Jackson, and which are sustained by the decisions of Chief Justice Marshall, and by which Lincoln and the Union armies crushed the Rebellion and rescued the Republic, are among the legitimate and irreversible results of the war which ought not to be questioned.

THE CONSTITUTIONAL AMENDMENTS MUST BE CARRIED OUT.

Touching the remaining important controversy settled by the war, the public avowals of opinion are almost all in favor of the faithful acceptance of the new Constitutional amendments. On this subject the speeches of public men and the creeds and platforms of the leading political parties have for some years past been explicit. In 1872, all parties in their respective National Conventions adopted resolutions recognizing the equality of all men before the law, and pledging themselves, in the words of the Democratic National Convention, "to maintain enfranchisement and enfranchisement, and to oppose the reopening of the questions settled by the recent amendments to the Constitution." In 1876, the great political parties again, in the language of the St. Louis National Convention, affirmed their "devotion to the Constitution of the United States, with its amendments universally accepted as a final settlement of the controversies that engendered the civil war." Notwithstanding these declarations, we are compelled to take notice that, while very few citizens anywhere would wish to reestablish slavery if they could, and no one would again attempt to break up the Union by secession, there still remains in some communities a dangerous practical denial to the colored citizens of the political rights which are guaranteed to them by the Constitution as it now is. In the crisis of the war Mr. Lincoln appealed to the colored people to take up arms. About 200,000 responded to the call, enlisted in the Union armies, and fought for the Union cause under the Union flag. Equality of rights for the colored people, from that time, thus became one of the essential issues of the war. General Sherman said: "When the fight is over, the hand that drops the musket cannot be denied the ballot." Jefferson said, long before: "The man who fights for the country is entitled to vote." When, with the help of the colored men, the victory was gained, the Fifteenth Amendment followed naturally as one of its legitimate results. No man can truthfully claim that he faithfully accepts the true settlements of the war, who sees with indifference the Fifteenth Amendment practically nullified.

No one can overrate the evils which the country must suffer if lawless and violent opposition to the enjoyment of constitutional rights is allowed to be permanently successful. The lawlessness which today assails the rights of the colored people will find other victims to-morrow. This question belongs to no race, to no party, and to no section. It is a question in which the whole country is deeply interested. Patriotism, justice, humanity, and our material interests, all plead on the right side of this question. The colored people are the laborers who produce the cotton which, going abroad to the markets of the world, gives us that favorable balance of trade which is now doing so much for the revival of all business. The whole fabric of society rests upon labor. If free laborers suffer from oppression and injustice, they will either be discontented and turbulent, destroyers of property, and not producers of property, or they will abandon the communities which deprive them of their inalienable rights. In either case, social order and the peaceful industries upon which prosperity depends are imperilled and perhaps sacrificed. It will not do to say that this is an affair which belongs solely to the distant States of the South. The whole country must suffer if this question is not speedily settled, and settled rightly. Where the two races are numerous, prosperity can only exist by the united and harmonious efforts of both the white people and the colored people. The only solid foundations for peace and progress in such communities are equal and exact justice to both races. Consider the present situation. Whatever complaints may have been heard during the progress of reconstruction, candid men must admit that all sections and all States are now equally regarded, and share alike the rights, the privileges, and the benefits of the common Government. All that is needed for the permanent pacification of the country is the cordial cooperation of all well-disposed citizens to secure the faithful observance of the equal-rights amendments of the Constitution. Happily, in the very communities where lawlessness has been most general and most successful, there are editors of newspapers and other influential citizens who speak out and denounce these crimes against free government. It is plain that a sound public opinion is forming where it is most needed. No community can afford to allow any of its citizens to be oppressed—to lose their rights. To be indifferent on the subject is to disregard interest and duty. The Union citizens and soldiers can do much to remove the evils we are considering. Let it be understood that no public man in any party will be sustained unless he will undertake to carry out in good faith the pledges made in all our platforms in regard to the rights of colored citizens; unless he will support laws providing the means required to punish crimes against them; and unless he will oppose the admission of any man to either House of Congress whose seat has been obtained by the violation of the Fifteenth Amendment. The right of suffrage is the right of self-protection. Its free exercise is the vital air of republican institutions.

To establish now the State Rights doctrine of the supremacy of the States, and an oligarchy of race, is deliberately to throw away an essential part of the fruits of the Union victory. The settlements of the war in favor of equal rights and the supremacy of the laws of the Nation are just and wise, and necessary. Let them not be surrendered. Let them be faithfully accepted and firmly enforced. Let them stand, and, with the advancing tide of business prosperity, we may confidently hope, by the blessing of Divine Providence, that we shall soon enter upon an era of harmony and progress such as has been rarely enjoyed by any people.

A SCREAM IN THE STREET.

TRENTON, N. J., Sept. 17.—Ansen Bailey was arrested to-day for attempting to shoot a young woman named Elizabeth Howard in the street. The girl says she came from England with Bailey recently under promise of marriage. After their arrival here she discovered that Bailey was a married man, and at once discarded him. He sought an interview, and while walking on the street he pulled out a revolver and threatened to shoot her if she did not consent to marry him. A scream from the woman and the sudden appearance of aid prevented the murder.

THE DIVIDED DEMOCRACY.

VIEWS OF ISAAC E. EATON.

THE NATIONAL COMMITTEE TO CONSULT IN REFERENCE TO OHIO—HOPES OF CARRYING THAT STATE—OPPOSITION TO TILDEN.

As has been announced from Washington, a meeting of the Executive Committee of the Democratic National Committee will be held in that city today. It was reported at the same time that Mr Tilden, owing to the confusion in the New-York ranks, had requested several members of the National Committee and other prominent Democrats to meet in this city to consult, prior to the meeting of to-day, as to what ought to be done to secure harmony in New-York. The presence of several members of the National Committee in New-York at this time gave an appearance of authenticity to this report, but if any united consultation has taken place it has been managed with great secrecy. Isaac E. Eaton, of Kansas, who is next to the senior member of the National Committee, for he has served in it since 1860, and is also a member of the Executive Committee, has been a guest at the Coleman House for several days. He was visited Tuesday by a reporter of THE TRIBUNE, who asked him if there had been an informal meeting in this city of some members of the National Committee.

"Not to my knowledge," he replied, "and I know of no business they would have to transact here. There will be a meeting of the Executive Committee in Washington on Thursday, and the Executive Committee is supposed to be always sitting."

"For what purpose is this special meeting called?"

"I suppose it has reference to the Ohio campaign. The National Committee is conducting the Democratic canvass in that State and is doing better work than we have had done there before. We have never been so well organized in Ohio and for that reason we are very hopeful of success. It is true the Republicans are equally confident, but when the full vote of the State is brought out in an active campaign the majorities are usually small. Allen was beaten in 1875 by only about 5,000. The Republican majority in 1876 was about the same. In a total vote of 600,000 where the parties are so evenly divided it is not so difficult to change the vote by 5,000 with proper kind of work. The Greenback vote last year was, I believe, 38,000. Now we expect that 25,000 of this at the least will support Ewing. If we carry Ohio this Fall we shall not have so much need of New-York in the Presidential year; still we feel that we can lose Ohio now and win at the general election in 1880."

"If the National Committee are so solicitous about Ohio, may it not be possible that they are equally anxious to secure harmony in New-York?"

"No; I don't think they have any concern for the Tammany bolt. It doesn't affect the prospects of the National Democratic party in 1880 a particle. There is no split except as to the candidate for Governor. Tammany Hall last evening proclaimed its loyalty to the Syracuse ticket from the Lieutenant-Governor down. So while, if the present Democratic status is maintained in New-York until election day, the election of a Republican Governor is certain, I think the remainder of the elected ticket will be Democratic. Such a result would prove that New-York could be depended on for the Democrats in 1880, and all the effort it would have would be effectually to kill off Mr. Tilden."

"Then you would not look upon his political death as an irreparable loss to the party?"

"Not at all. I was opposed to the nomination of Mr. Tilden in 1876, and I am still more opposed to it in 1880. I did all I could to defeat him in the St. Louis Convention, because I believed he was a weak candidate, and thought Mr. Kelly's grounds of opposition were good. Mr. Tilden's influence is bad, and we don't want any more of him. My views on this point are well known; I am uncompromisingly opposed to him. I believe he was elected in 1876, and that he might have been seated in the Presidential chair if he had been courageous. He is a very able man, and if he were as courageous as he is intellectually strong and shrewd, he would make a powerful leader. Unmistakably he owed his nomination at St. Louis to Lieutenant-Governor Dorsheimer more than to any ten men besides. It was he who stepped in and turned the strong tide against Tilden led by the Hendricks, Ewing and Voorhees men. The South, being eager to get rid of carpet-bag rule, only wanted a candidate who would be very strong in the North. Tilden managed his affairs with great shrewdness. He had his State Convention meet early in the season. It elected delegates for the most part favorable to him, and gave him a glowing indorsement. Then he sent his agents through the Northwest. They worked very hard, represented that he was a wonderful organizer, and was very wealthy and could render great financial aid to the canvass. By this means and Dorsheimer he succeeded. Yet we only carried four Northern States, and I am convinced that Tilden's peculiar tactics were a damage to us."

"Is he not working as hard as ever for a second nomination?"

"He is leaving no stone unturned to accomplish his purpose, but he is not the man for us. We would have to defend him at every point of the compass."

"Is it not possible that he has summoned members of the National Committee to confer with him about the New-York situation?"

"He may have asked several individual members of the Committee to do so, but the Committee as a whole would not think of doing anything of the kind at Tilden's request or of meddling in this New-York fight. Senator Barnum, the chairman of the Committee, and a very vigorous chairman he is, is a friend of Mr. Tilden, and usually visits him when he is in the city. Mr. Scott, of the National Committee, is also a friend of Mr. Tilden. Of course he would not send me any communication relative to a consultation. I saw Senator McPherson to-day and he said nothing of such a meeting. His presence at the Gilsey House has no special significance with reference to a consultation. Since Senator McPherson's home in New-Jersey was destroyed by fire he has been a bird of passage, and is for the time being making his headquarters at the Gilsey House. Neither is Senator McDonald, of Indiana, on here for any such purpose. I know that he comes on business; besides he is not a friend of Mr. Tilden. He is the devoted friend of Governor Hendricks, and I don't think he would do anything to strengthen Mr. Tilden's chances for the presidency. I have also been in the city on business, and go to Washington to-morrow, to be present at the meeting of the Executive Committee."

"Do you anticipate that a compromise will be effected in the State?"

"I believe that Mr. Tilden would be willing and even glad to have Governor Robinson withdraw. He showed his strength at the Syracuse Convention, and it would undoubtedly help his chances for another year to have Robinson withdraw and the party united at the polls. However, there is no danger of a Robinson withdrawal. The Governor is not going to be made a cat's paw of in any such manner. He has nothing to gain by such a move."

"Do you think Mr. Kelly could be induced to withdraw?"

"I have had several conversations with John Kelly, and from what I know of him I have great faith in his integrity and common sense. He will do nothing which will result favorably to Mr. Tilden. The Tammany fight is against Tilden and not Robinson. Tammany showed that its ranks were full and in working order when it polled 60,000 votes at the last election. In my opinion 50,000 of these votes at least will be cast now for John Kelly."

"Who is the strongest Democratic candidate for the Presidency at the present time?"

"That is very hard to say. It will be a very difficult question after the Fall elections. Thomas A. Hendricks will show considerable strength in the next convention; also Senator Thurman. I regard Judge Davis, of Illinois, and also General Hancock as likely candidates. I don't think Judge Field, of California, has much strength, nor that Ewing, if elected Governor of Ohio, would be an aspirant. He is young yet, under fifty, and it is his ambition to be a Senator and wear his father's shoes. No, it is nonsense for anyone to suggest that Governor Robinson might become a candidate in case he were successful this year. But I should not be surprised if some man, now little spoken of, should step in and secure the nomination."

AN OUTRAGE BY DESPERATE STRIKERS.

FALL RIVER, Mass., Sept. 17.—By far the most shameful outrage of the strikers was committed this afternoon. Eight French families, comprising between seventy and eighty persons, were brought here to-day on the noon train from Boston, from Sorel, Canada. They have never worked in a cotton-mill, and are to work at the Stafford and Crescent Mills. The company was divided into two parties. One party, destined for the Crescent Mill, composed mainly of boys and girls from eighteen years of age downward, while moving through the street to its quarters, was hooted at by a crowd of women, children and a few men, and a few stones were thrown. To make the shortest cut, the party took what is known as Stone Crusher Lot, where it was assaulted by a crowd numbering 150 persons, mostly men. Rocks were thrown at them in perfect showers. One women with a babe in her arms, was knocked down and kicked; a little boy about seven years of age, was struck on the face, and all the little children were stoned, as well as the older persons in the party. The party separated and ran in different directions, which broke up the crowd. The police were summoned, and with Officer Hill and the whole of the District Police, who happened to be nearby, were on hand in a few moments, but the alarm was given at their approach. The District Police are already known by the disturbers and the crowd had dispersed. More indignation is expressed by citizens at this outrage than at all the others that have occurred. The cowardly assault on the women and children is stirring the feelings of every good citizen. No arrests have yet been made.

THE COURTS.

PORCELLO ON TRIAL FOR HIS LIFE.

THE ITALIAN MURDERER IN THE COURT OF GENERAL SESSIONS—HIS WIFE AND CHILD BY HIS SIDE.

Francisco Porcello, the Italian who killed Michael Bolender, foreman of Stanson's candy factory, at Church and Fulton sts., on July 24 last, was placed at the bar of the Court of General Sessions yesterday for trial. William F. Kutzing and J. D. McClelland appeared as his counsel. Assistant District-Attorney Rollins conducted the prosecution.

On the case being called, the prisoner walked from the box in the rear of the court-room toward the bar. His wife, with their little boy in her arms, had occupied a seat in the inclosure for witnesses since the opening of the court, and when her husband passed up the aisle she joined him. At first he did not seem to observe her, but when he had seated himself she was given a place by his side and then she kissed him. Afterward she held up the child and Porcello took it in his arms and kissed it several times on its face. The child seemed delighted to be once more in its father's arms, and laughed and talked with him until again taken by its mother. Porcello was calm and apparently fully appreciates his position. He spoke only to his wife and child, and, probably because he understands little of the English language, he took no interest in the proceedings. He was clean shaved, with the exception of a heavy brownish moustache. He wore a blue flanned shirt without a collar, and was dressed in a twilled suit of dark material and much worn.

The prisoner is indicted as Franzisco Polkato, alias Francisco Porcelli, alias Francisco Porcello. The indictment charges that on July 24 Polkato, with a knife, wilfully, feloniously and with a deliberate and premeditated design to kill Michael Bolender, did strike, stab, cut and wound him with the knife, and that Bolender then and there died.

The empanelling of the jury was then proceeded with. The first juror called was James C. Bennison. After being sworn he was questioned closely as to his fitness to pass upon the evidence. He said that he had read the published accounts in the papers, but they had made no impression on his mind. He was born in Ireland, but had no prejudice against Italians as a class. He was accepted, and took his seat in the foreman's place in the jury-box. Twenty-eight other men were called before twelve men "good and true" satisfactory to both the prosecuting and defence were found to serve. The jurors were then sworn, and Judge Cowing, previous to allowing them to separate for the night, urged on them the necessity of keeping their minds free from outside influence. The case will be opened this morning at 11 o'clock.

THE HEMPSTEAD RESERVOIR.

KINGSLEY & KEENEY'S CLAIM AGAINST THE CITY OF BROOKLYN SUSTAINED BY THE COURT OF APPEALS.

William C. Kingsley and Abner C. Keeney brought an action about three years ago in the Brooklyn City Court against the City of Brooklyn to recover $178,000 for extra work done and materials furnished in the construction of the Hempstead Storage Reservoir, in pursuance of a contract signed January 9, 1872. The city, through the Corporation Counsel, admitted that such a contract had been executed between the Brooklyn Water Commissioners and the plaintiffs, but claimed that it was executed in pursuance of a fraudulent scheme whereby the city was to be defrauded. It was also alleged that the plaintiffs failed to perform the work according to the contract. The case was referred to John A. Lott, Thomas H. Redmond and George H. Fisher, who listened to testimony for several weeks. They found that the contract was lawful and obligatory on the city, that none of the charges of fraud in the answer were proved, that as to most of them no effort was made to prove them, and that the failure of the plaintiffs to fulfil the contract had not been established. The work, it was declared, was done according to the directions of the Chief Engineer and to his satisfaction. The referees also found that the cost of the work was limited by the act of 1871 to $1,400,000, and that the "liability" recovery must be limited to the unexpended balance in the city treasury applicable for this purpose. This sum was $107,837 25, which together with costs and interest upon the time of the completion of the work, amounted to $116,783 82, and for this amount they directed judgment in favor of the plaintiffs. The referees' report was confirmed by the Court.

The defendant appealed from that part of it which declined to give judgment in the full amount claimed. The General Term of the City Court sustained this decision. The matter was then carried to the Court of Appeals, before which it was argued a few days ago. Yesterday the Court rendered its decision, affirming the judgment. With the interest which has accrued the amount is nearly $140,000.

SENTENCED TO STATE PRISON.

Henry Propach, when about entering a car on Second-ave., near One-hundred-and-twenty-sixth-st., on the night of August 19 last, was attacked by Thomas Healy, and his watch and chain were stolen. On the following day, while on the way to court, Healy escaped, but was afterward arrested. He is also known as Thomas Brennan, alias "Irish Tom." In the Court of General Sessions yesterday he pleaded guilty, and was sentenced to the Penitentiary for three years.

William Fleutating, of No. 200 Forsythe-st., intrusted $100 to Thomas Walsh to purchase goods for him. Walsh absconded with the money. He pleaded guilty yesterday, and was sentenced to State Prison for two years.

Leonold Blashopf was caught on the night of September 10 in the house of Abraham Stolts, No. 229 Chrystie-st. He pleaded guilty to burglary in the second degree yesterday, and was sentenced to State Prison for five years.

COURT OF APPEALS PROCEEDINGS.

ALBANY, Sept. 17.—In Court of Appeals, Wednesday, September 17, 1879:

No. 11.—John Gleason and another, executors, respondents, agst. William B. Shields and others, appellants. J. J. Perry for appellants, Homer A. Nelson and George C. Blanke for respondents.

No. 16.—William A. Miller, executor, etc., appellant, agst. D. W. Montgomery and others, respondents; argued by F. G. McDonald for appellants, B. W. Truitel for respondents.

No. 17.—Elizabeth Dows, appellant, agst. George J. McGourkey and others, respondents; argued by J. McKeon for appellant, Osborne E. Enright for respondents.

No. 24.—Lydia Warmuth, respondent, agst. A. Fayette Tracy and others, executors, appellants.—Passed.

No. 27.—Joseph M. Koehler, respondent, agst. Solomon Adler, administrator, etc., appellant; argued by Samuel Brandman for appellant, William Henry Arnoux for respondent.

DECISIONS HANDED DOWN.

Keep agt. Keep.—Motion denied with $10 costs on the ground that this case is not appealable to this court.

Weed agt. Burt.—2nd ment affirmed with costs.

Shaw agt. Cock; Sweetland agt. Same.—Order affirmed and judgment absolute for respondent on stipulation with costs.

Kingsley agt. the City of Brooklyn (two cases).—Judgment affirmed with costs to each party as against the other in the appeals in which each is successful.

Seeley agt. Clark; Beckes agt. Hathorn; Kilmer agt. Hathorn; In re Chesebrough; In re Vincent, etc.; In re Patterson, receiver of The Merchants' and Mechanics' Bank of Troy.—Order affirmed with costs.

Beckes agt. Hathorn; Kilmes agt. Hathorn.—Orders of General Term dismissing appeal reversed with costs.

Argall agt. Pitts.—Orders affirmed.

CALENDAR TO-DAY.

The following is the day calendar of the Court of Appeals for Thursday, September 18, 1879:

Nos. 25, 29, 30, 10, 38, 39, 41, 42.

DECISIONS—SEPT. 17.

Supreme Court—Circuit—Part I.—By Judge Van Brunt.—Agate agt. Gill et al.; Sistare agt. Best, etc.—Cases settled.

Circuit—Part III.—By Judge Van Brunt.—McMullen agt. Rafferty.—Case settled.

By Judge Donohue.—Leichtweis, etc., agt. Treskow.—Case settled; no amendments have been asked.

Common Pleas—Special Term.—By Judge J. F. Daly.—In the matter of Todd, etc.—In the matter of Smith; Denner agt. the Metropolitan Elevated Railroad Company; Allerman agt. Uter.—Applications granted. Lindsay agt. Singer.—Motion to vacate judgment granted; appeal discontinued without costs. In the matter of Cramer.—Final decree discharging assignee and for distribution. In the matter of Buck.—Final decree discharging assignee and for distribution.

Marine Court—Chambers.—By Justice Goepp.—Gaffney agt. McCallum.—Motion for judgment granted. Joseph agt. Frazer.—Commission granted. Cohn agt. Herman.—Hugo von Brandenstein appointed receiver. Geo agt. Geo.—Motion granted; complaint dismissed with costs. Wedinski agt. Lesny.—Motion granted upon payment of $10 costs. Richards, jr., agt. Jubb.—Motion granted. Ayers agt. Campbell.—Defendant's default. Clemens agt. Bernstein.—Motion granted; default opened on payment of $10 costs; judgment to stand as security. Silsby agt. Kingsland.—Receiver discharged. Stich agt. Wossuch.—Arrest vacated. Boldwin agt. Vance; Keeler agt. Keegan; Sommerich agt. Jackson; Ibbetson agt. Sperry; Nye agt. the Union Sewing Machine Company; Gross agt. Lorrenberg.—Motions granted. Manning agt. Blake.—Motion granted; order for removal to United States Court signed. Coolidge agt. Ford.—Motion to vacate arrest denied with $10 costs.

CALENDARS THIS DAY.

SUPREME COURT—CHAMBERS—Westbrook, J.—Nos. 1, 9, 31, 60, 62, 64, 69, 75, 88, 96, 101, 106, 107, 135, 142, 143, 144, 147, 168, 177, 179, 206, 208, 209, 218. Assessment Cases.—Nos. 248, 249, 250, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272.

SUPERIOR COURT—SPECIAL TERM—Curtis, C. J.—No day calendar.

COMMON PLEAS—SPECIAL TERM—J. F. Daly, J.—No day calendar.

MARINE COURT—TRIAL TERM—PART I.—Shea, J.—Nos. 3312, 1312, 200, 20, 87, 3337, 226, 227, 228, 229, 230, 231, 232, 233.

PART II—McAdam, J.—Nos. 3567, 191, 2180, 3598, 213, 214, 215, 216, 217, 218, 219, 221, 222, 224, 225.

PART III—Alker, C. J.—Nos. 1-2, 3138, 189, 3167, 43, 99, 201, 202, 206, 207, 208, 209, 210, 211, 212.

GENERAL SESSIONS—PART I—Cowing, J.—The People agt. Francisco Polkato, homicide; John Brady, Joseph Murphy, John Reed, burglary; Thomas Many, Johan Kenal, grand larceny; Maurice Condon, felonious assault and battery.

PART II—Gildersleeve, J.—The People agt. Henry Schakel, John T. Brady, David Connors, John Tribalhorn, robbery; Daniel Frest, felonious assault and battery; John Ball, Dennis Riordan, Samuel Fienberg, burglary; Jas. Gallagher, rape; Mary Somers, Ellen Sail, William Gurnsay, Joseph Connelly, larceny from the person; Charles R. Titus, forgery, Samuel T. Hoyt, John Sheridan, receiver of stolen goods; James Dobbins, assault and battery; Rebeca Kelley, misdemeanor.

AN UNFORTUNATE MISTAKE.—Magistrate: "You are charged with having emptied a tub-in of water over the plaintiff." Irishwoman: "Sure, yer honor, ye must forgive me; in the dark I took the gentleman for me husband."

Teacher: "Now, boys, quadruped and biped, you know, are two kinds of animals. Quadruped, animal with four legs, such as cow, elephant, horse, etc. Biped, animal with two legs, such as—well, sh——. Yes, there is a biped"—pointing to a picture of a goose on the wall—"and I am a biped, and you are all bipeds. Now what am I?" Pause. One of the bipeds: "A goose, sir!"

REAL ESTATE.

NEW-YORK, Wednesday, Sept. 17, 1879.

The following sales were held at the Exchange Salesroom to-day:

By E. D. Ludlow & Co.

1 3-story brown stone house with lot, No 1,457 Lexington-ave, w s, 75.8 ft n of 94th-st, lot 18x75; Mary W Baldwin $9,050

1 small car house with lot, No 117 East 112th-st, n s, 195 ft e of 4th ave, lot 20x100.11; Thos McLosser 9,000

1 3-story brick building with l k, No 508 Broome-st, n s, 20.9 ft e of Thompson st, lot 21.9x80; Equitable Life Assurance Soc 8,000

By Richard V. Harnett.

2 3-story brick dwellings with lot, No 17 Morton-st, n s, 151.4 ft w of Bedford-st, lot 27.2x93.2x25x78.2; David Strauss 7,000

RECORDED REAL ESTATE TRANSFERS.

NEW-YORK CITY.

Grove-st, e s, 500 ft n of Cliff-st, 50x100; F J Fitch, referee, to Elizabeth P Samson $500

Concordia-ave, n s cor Cliff-st, 25x80; Clara Decker and husband to Clara Decker 1

Cliff-st, n s, 24 ft e of Jackson-ave, 25x63; Clara Decker and husband to P G Decker 1

Ave D, s w cor 11th-st, 89.6x125; and also w s Ave D, 100.9 ft s of 11th-st, 50x100; William H Hays and wife to Jacob Blumauer 28,000

28th-st, s s, 149 ft e of 6th-ave, 24x98.9; Jane Raven to Lena F Huelsch 28,000

59th-st, n s, 175 ft e of 5th-ave, 50x100.5; C Gignoux and wife to Thomas Smith 22,000

93d-st, w s, 200 ft e of 10th-ave, 97.11x101.3¾; A W Hawley and husband to E S Bailey 11,000

123d-st, s s, 146.6 ft w of 1st-ave, 14.3x100.11; John Whalen, referee, to the New-York Life Insurance Company 5,000

RECORDED LEASES.

Barnstow, R G to George H Lahrs, No 280 Grand-st, 3 years, at annual rent of $1,250

Barnum, John M to Charles Weeks, Nos 225 and 227 West 56th-st, 4½ years, at annual rent of 3,000

Moser, William to John Miller, No 18 West 14th-st, 3 years, at annual rent of 1,000

RECORDED MORTGAGES.

Blumauer, Jacob to William H Hays, s w cor Ave D and 11th-st, instalments $44,000

Casper, Israel and wife to Max Danziger, n s 75th-st, e of 2d-ave 3 months 750

Same to William H Bell, n s 78th-st, w of 1st-ave, 4 months 535

Compton, Mary E and husband to H Weil, n s 60th-st, w of Madison-ave, 2 months 5,000

Emrich, Jos ph to Eliza Guggenheimer, e s Ave A, n of 75th-st, instalments 100

Harrison, Henry and another, administrator, etc, to Jane A Wallace, No 102 West-st, etc, 3 years 10,000

Kohler, C F and wife to George Mand, s s Ellis-st, w of Boston Road, 3 years 1,300

Loeffler, Otto W and wife to J W Rattelmann, n s of Ave A, w of Ave A, demand 4,300

Murray, Joseph and wife to A S Constant, n s 111th-st, n of 4th-ave, 3 years 2,000

Same to Myra E Constant, same property, 3 years 2,000

Roberts, Edward and wife to Anna L Spingham, 136-st, n w cor 1st-ave, 2 yrs, 2 mortgages 7,500

Rosenstein, J J and wife to Samuel S Constant, s s of 80th-st, e of 1st-ave, 4 lots, 4 mortgages, 3 months 10,000

Shaw, Ella I to E Shaw, s s 131st-st, w of 4th-ave, 5 years 5,400

Simpson, Eliza L to E M Skinmore, n s 132d-st, e of 6th-ave 1,000

Smith, Thomas S and others to C Gignoux, n s 59th-st, e of 8th-ave, 2 mortgages, 5 years 48,000

Treacy, Thomas F to John H Deane, n w cor 4th-ave and 111th-st, 30 days 3,000

RECORDED ASSIGNMENTS OF MORTGAGES.

Hopsman, James A to Jenat De Witt $3,500

Platt, Jane A C to William F Plat