The Stanwix Hall Tragedy.

SUPREME COURT.

Before Hon. Judge Strong.

THE TRIAL OF BAKER TO BE HAD IN SUFFOLK, OR SUCH OTHER COUNTY AS COUNSEL MAY AGREE UPON.

JUNE 9.—*The People agt. Lewis Baker, James Turner, Patrick McLaughlin, Cornelius Linn, Charles Van Pelt and John Hyler.*—The defendants stand indicted for the alleged murder of William Poole, in the city and county of New York. The indictment contains as many counts as there are defendants, respectively charging each as primary, and the others as secondary principals. The first count charges the defendant Baker as the most prominent actor, and the others as being present at the scene of the murder, and aiding and abetting him. He elected to be tried separately. He was first tried at a Counrt of Oyer and Terminer, held before Judge Roosevelt in the county of New York, (where the venue is laid and the indictment was found,) in December last. The trial lasted nearly a fortnight, and resulted in the disagreement of the jurors and their discharge. His trial was again commenced at a Court of Oyer and Terminer held before me, pursuant to an appointment by the Chief Judge of the Court of Appeals in the same county, on the 14th of April last. Five hundred jurors had been summoned to attend the trial. Of that number five only were sworn, the others having failed to attend, or having been excused or rejected on challenges for cause, or on peremptory challenges in behalf of the defendant. Another panel of five hundred jurors was then ordered, and they were summoned to attend eventually on the 24th of April; on that and the next days seven of the last panel were procured, who, from their answers, appeared to be free from any legal exceptions. One of them was excused from serving, as he was conscientiously opposed to attending to any secular business on the Jewish Sabbath, and it was conceded that the trial would extend beyond one such day. The other six were sworn, when that panel was exhausted. Another of two hundred and fifty was then ordered for the 29th of April. On the last mentioned day the 12th juror was obtained, there remaining in the box, when his name was drawn, about twenty undrawn ballots. The empanelling of the jury occupied nearly four days. About four hundred persons appeared; of those two hundred and twenty-two were set aside on challenge for having formed and expressed an opinion as to the guilt or innocence of the accused on trial, three were peremptorily challenged by him, twelve were sworn as before stated, and the remaining jurors were excused or eventually discharged. The trial proceeded a short time, during which two witnesses were examined on the 29th of April. On the next day one of the jurors sworn failed to attend, and it appeared, on an examination of a messenger from him, that he was confined to his bed, and probably would remain so for a considerable period, by indisposition. The counsel for Baker thereupon proposed that the trial should proceed before the eleven jurors who were then present, or that the Jew who had been excused should sit on the trial, and thus complete the number, and that those who remained of the list panel should be resummoned, and that the person whose name should be first drawn should be sworn and act as the twelfth juror. These propositions were declined by the counsel for the people, and the eleven jurors were thereupon discharged. The court was then adjourned to the first Tuesday in June, and a panel of one thousand jurors was ordered. Subsequently to the last mentioned adjournment, a certiorari was issued by the District Attorney, and allowed by Judge Roosevelt, removing the action into the Supreme Court. On the 24th of May two motions were made at a Special Term held before me in New York, pursuant to an appointment made by the Chief Judge of the Court of Appeals, and also at the request of the Justices of the First Judicial District, who were otherwise engaged—one by the counsel for the prisoners, that the certiorari should be quashed as having been improvidently issued, and the other by the counsel for the people, that the place of trial should be changed to some other county, on the ground that a fair and impartial trial of the action could not be had in the city and county of New York. The prisoners' counsel contend in support of their motion that a certiorari to remove an indictment from the Oyer and Terminer to the Supreme Court cannot lawfully issue at the instance of the counsel for the prosecution. There can be no doubt but that it has always been competent for the counsel for the crown in England, and since our revolution for the counsel for the people in this State (unless the power has been abrogated by the statutory provisions which I shall presently consider,) to remove criminal actions from the Oyer and Terminer to a higher tribunal by certiorari. Mr. Chitty, in his valuable work on criminal law (vol. 1, p. 377,) after citing several acts of Parliament restricting or regulating the practice upon certiorari in criminal cases, says:—"But these acts apply only to writs of certiorari on the part of the defendants, and therefore the crown and a private prosecutor may still obtain them, without affidavit or recognizance, unless expressly prohibited by particular statute," and he cites 5th Dumford & East's Reports, 626; 6th D. & C., 194; 3d Bosanquet & Puller's Reports, 254; 2d Strange's R., 900—1 Ld. 129; Cowper, R., 18; 1st East's R., 305; 15th East's R., 327; Bacon's Abridgment, title "Certiorari," C. And again the same author remarks (p. 378) the writ of certiorari is demandable of absolute right only by the King himself, and to him the Court is bound to grant it. The English reports are full of cases where certiorari to remove criminal actions from the Oyer and Terminer to the Court of King's Bench (which, as to its jurisdiction in criminal cases, corresponds with the Supreme Court in this State) have been issued on the application of the officers of the crown. The case in 3d Bosanquet and Puller (p. 254), cited by Mr. Chitty, was before the House of Lords, and it was decided by that tribunal that the certiorari could be issued by the officers of the crown, notwithstanding general restrictive words in an act of Parliament in reference to the class of cases to which the decision referred. The right of the prosecution to issue this process is impliedly recognized in this State in the provision of the revised statutes (2d R. S., 733), that "all issues of fact joined upon any indictment shall be tried by a jury in the county where such indictment was found, unless for special causes the Supreme Court shall order an indictment removed into that court to be tried in some other county." This speaks of the removal of criminal causes as an existing common law practice, and makes no attempt to restrict it. There are several cases in our courts which sustain the right to obtain this process in behalf of the people. In the case of the People vs. Vermilyea and others (7 Cowen, 141), where one of the indictments had been removed to the Supreme Court by certiorari, the District Attorney inquired whether he should give the other indictments the same direction by issuing writs of certiorari for their removal to that court. To which Chief Justice Savage answered, "You must take your own course on that subject. You have a right to remove the other causes or to them where you are, as you shall think advisable. In the case of the People vs. Webb (1st Hill, 179), where the defendant had been indicted for a libel on J. Fenimore Cooper, in the county of Otsego, the indictment was removed by certiorari, on the application of the District Attorney, from the Oyer and Terminer to the Supreme Court, and the place of trial was changed to the county of Montgomery. In that case the certiorari to the Oyer and Terminer had been obtained after that Court had ordered that the trial should proceed, or that a nolle prosequi should be entered. It is true, as was said by the counsel for Baker on his argument, that the right to issue the writ in behalf of the prosecution was not disputed in that case; but the motion to change the place of trial which followed it, was warmly contested, and if it had been supposed that the process had been irregularly obtained, the objection, which would have been fatal to the motion, would have been urged. The silence of the counsel and of the Court was, under the circumstances, significant against the objection. The counsel for the defendants contended that if the right to issue the certiorari in criminal cases, by the District Attorney, had existed at common law, it would have been abrogated by sections 1 and 2 of chapter 65 of the acts of 1829, and the 1st section of chapter 12 of the act of 1847. The act of 1829 provides (§ 1) that no certiorari to remove into the Supreme Court any indictment pending in a Court of Oyer and Terminer, before trial thereon, shall be effectual unless allowed by a Justice of the Supreme Court, or (then) Circuit Judge; and (§ 2) that before allowing any such writ the officer to whom application should be made should take from the defendant a recognizance with sureties, conditioned that the defendant prosecute upon such writ will appear at the return day thereof in the Supreme Court, and abide the orders and rules of such Court; and the 1st section of the act of 1847 merely exempts the defendants who may be indicted for treason, murder or arson in the first degree, and who may be in custody, from the necessity of entering into any recognizance for their appearance in the Supreme Court. If the 1st section of the act of 1829 had stood alone—as that merely regulated the practice, and did not purport to take away any right—it might have been construed to include certiorari issued in behalf of the people. But the second section—although it specifies the process in general terms—evidently refers to such as might be allowed in behalf of the defendants. The prosecution could not be required to give a recognizance for the conduct of the defendants as a condition for obtaining the writ. There is no statutory provision involving such an absurdity, except in the 5th section of the Act for the Prevention of Intemperance, Pauperism and Crime (Laws of 1855, pp. 246-7), which provides that an appeal and the service of a notice thereof shall be of no effect in behalf of the defendant or complainant, unless he shall deliver to the magistrate an undertaking to the people in the sum of $600, with one or more sureties, conditioned, among other things, that the defendant shall not, during the pendency of the appeal, violate any of the provisions of the act; thus requiring the complainant where the appeal is by him to become responsible for the good behavior of his opponent. But the provisions of the act furnishes no very reliable rule for the construction of other statutes. In reference to the act of 1829, it may raise a slight inference that the Legislature by which it was passed supposed that the certiorari could be issued only at the instance of the defendant. But that could not have the effect to abrogate a pre-existing right of the people, and one too, which might be very essential to the due administration of justice under circumstances of frequent occurrence. In England it has been clearly settled that the rights of the crown are not taken away by any general statutory provision, unless the intention to do so is clearly and directly manifested. Thus, in the case of the King agt. Davis (5th Term, R. 626) Judge Butler remarked that "the general rule is, that when the certiorari (in criminal cases) is taken away by act of Parliament, the crown is not included in the restriction, unless there be some words in the act to show that the Legislature intended it;" and Judge Grose said: "We cannot break in upon the general rule which has been so long established, that the crown is not bound by the general words of a statute taking away the certiorari, unless it appear upon the face of the act of Parliament that the Legislature intended that the crown should be bound." The same principle was sustained and applied to a certiorari in a criminal case obtained by the crown officers in the case of the King against The Inhabitants of the County of Stafford, and by the Court of King's Bench (6th Term R. 19,) and by the House of Lords (3d Bosanquet & Puller p. 254). There are many other cases in the English reports to the same effect, and the rule is well settled in those courts, from which we inherit the common law. In this State, where the people have acquired the rights of sovereignty appertaining to the crown of England in criminal cases, except where they are inconsistent with our form of government, or have been expressly abrogated (as in the case above cited), it is safe to conclude that the unlimited right to issue the writ remains, unless it can be taken away by a reasonable inference. The continuance of the right in question was recognized by the Supreme Court in the case of the People vs. Webb (which I have before cited), long after the passage of the act of 1829. I am satisfied that it still exists, and the motion to quash the certiorari in this case is therefore denied. The indictment may, nevertheless, be hereafter remanded to the Court of Oyer and Terminer for trial, should the ends of justice require that procedure (2d R. S. 742 § 28). The most material, and by far the most difficult, question presented for my consideration is, whether the place of trial should be changed on the ground that a fair and impartial trial cannot be had in the city and county of New York. There are many palpable reasons why trials in criminal cases should ordinarily be had in the counties where the transactions which gave rise to them occurred, and a change should not be made except for forcible and clearly established causes. Our statutes require that issues of fact joined upon any indictment shall be tried by a jury in the county where such indictment was found, unless for special causes the Supreme Court shall order an indictment removed into that court, to be tried in some other county (2d R. S., 733, § 1). Mr. Chitty says (vol. 1, p. 495), that, "Not very strong evidence of partiality will be required in order to induce the court to listen to the application for the removal" (to another place of trial). To that I cannot assent, nor is the position supported by the authorities to which the learned author refers. In one of the cases cited by him (Rex vs. Harris, 3d Burrows, R., 1,333), Lord Mansfield said: "There must be a clear and solid foundation for the suggestion" (of partiality). The question as to the unfairness or partiality of a drawn juror does not refer exclusively to his feelings, but extends to any opinion which he may have formed and expressed in reference to any material question involved in the controversy, and which may at all influence his decision. Thus, one who acted as a Grand Juror when the indictment was found, or who (in a case involving the life of the accused) cannot from conscientious scruples render a verdict which would lead to the punishment of death, is disqualified, although he has no hostile or favorable feeling towards the defendant. Some of the English authorities seem to indicate that some feeling of the juror, either hostile or friendly, must be involved in the objection to render it effectual; but it has been otherwise adjudicated in this State. In the case of the People vs. Vermilyea, the English and American authorities were elaborately reviewed by Judge Woodworth; and he expresses an opinion, in which the other judges concurred, that a challenge, because the juror had expressed an opinion, is for principal cause, and need not be accompanied by personal ill-will to render it valid (1st Cowen, 108.) A juror should have the ability, and one who is conscientious would feel the inclination, to decide all questions of fact submitted to him solely from a fair and impartial view of the evidence, without being at all influenced by ulterior considerations; but that would be difficult, if not impossible, where he had previously formed and expressed a strong opinion upon the matter, especially if it corresponded with the public sentiment. Let him exert himself as he may, he cannot wholly avoid the difficulty. He will, in a case where the testimony is contradictory, yield a more ready credence, and give greater weight to that which sustains than that which opposes his preconception—such is the infirmity of the human mind, and we must take it as we find it. When the opinions extend so far as to become the general sentiment in the community where a trial of an exciting case is had, it forms a serious obstacle to the due administration of justice, and the evil should be arrested when that is possible. In the case under consideration there were many circumstances calculated to attract attention, and to induce the formation and expression of opinion, especially in a community proverbially excitable. Of these some of the more prominent were the public character of the deceased, and some of those who were present at the time when he received his death wound, and who have been charged with a participation in the tragedy; the singular prolongation of the life of the wounded man with a ball in his heart; the immense funeral procession which accompanied and followed the body to the grave; the flight of one of the persons charged with the homicide across the ocean; the pursuit and capture of the fugitive under circumstances which induced the strong condemnation of his eloquent counsel on the argument before me; his subsequent protracted trial, and the publication in the newspapers of the city of the testimony, which was taken with great minuteness, of the eloquent speeches of the counsel, and of the elaborate and able charge of the presiding judge. It is not at all remarkable that these circumstances should have led to the formation and expression of opinions by the citizens of New York, especially those who witnessed any of the exciting scenes, or who read the newspapers. That there is a strong and all but universal sentiment in the city as to the truth or falsity of the charge as it respects the defendant Baker, was apparent from the statements of the jurors who appeared before me. Of the two hundred and thirty eight who were examined, all but sixteen had both formed and expressed opinions as to the alleged guilt of the prisoner, and still retained them. The number of those who passed the ordeal of a strict examination was so inconsiderable that they could not be deemed a fair representation of the intelligence and reliability of the class which comprises the jurors of the county. The jurors who were admitted may all have been respectable men. I had no personal acquaintance with either of them, and heard nothing against any of them, except some insinuations by the District Attorney on the argument, which, as they were not supported by any evidence, cannot be regarded in the decision of the motion which is now under consideration. It, however, they were all reliable men, such a consumation was under the circumstances, so remarkable that a similar result on any future attempt could not be reasonably anticipated. Where so few out of so large a number of jurors are at all admissible, the right to challenge twenty peremptorily, which our laws benignly secure to persons tried for capital offences, gives to the defendants almost the entire control in the selection of the jury. In cases where all, or the greater portion, of those summoned, are unexceptionable, the full exercise of this privilege cannot operate prejudicially, but it is quite apparent that where but an inconsiderable number is admissible, it may create a very great embarrassment and seriously obstruct the course of justice. In this case, when the trial was before me, but three jurors were challenged peremptorily. Ordinarily that might raise an inference that the admitted jurors were peculiarly acceptable to the defendant. How it was in this instance I am unable to say. Baker swears that he was unacquainted with any of the jurors, and had no influence over them. However, I am bound to consider the possible and (generally) probable effect of the existence and exertion of the privilege. If the trial of this action should proceed in New York it would probably be necessary, as it was before, to summon more than one panel. Where so many are to be selected and summoned, a considerable number of days must necessarily intervere. During that time, the jurors already sworn must (at least under our practice) be permitted to separate and to mingle with their fellow citizens without any restriction. The injunction to hold no conversation with others on the subject of the trial may be obeyed by conscientious men; but it sometimes happens that one is sworn as a juror who is not a conscientious man, and as to such there can be no security. Besides, there is no responsibility upon the outsiders, and the inconsiderate will express their opinions, and argue to support them, in the hearing of the sworn jurors. The danger of improper influences from such causes is very considerable. I am aware that some similar difficulty may occur if jurors are permitted to separate during the trial; and it was for this reason that when I proposed to introduce the practice on trials for murder in the city of New York, several years ago, I was warned by the Judges of that district that it would be a dangerous precedent. But it seemed to me then, and I still think, that a merely any state of circumstances will justify the seclusion and confinement of the jurors, and particularly of the infirm, and of those extensively engaged in business, during a protracted trial, from the time when they are sworn until they render their verdict. The practice of thus confining them would operate very injuriously to the administration of justice, as the more reliable men would refuse to sit at all on trials for murder. The separation during the trial is so evidently just that the danger resulting from it is a matter approaching very near to a necessity; but a state of circumstances which would increase the risk should, if possible, be avoided. In this case if a judgment is to be formed from the past, and it must be, it will be difficult to procure any jury, and still more so to obtain one by which a fair, impartial and effectual trial can be had in the county of New York. Although a sufficient number of qualified jurors might possibly be friends of those who might not have formed or expressed any opinion as to the guilt or innocence of the accused, yet the strong existing public sentiment must be known to them, and it will have its influence. The jurors may be charged to disregard it, but they cannot do that, with all their efforts. During an experience of many years I do not remember a verdict in a criminal case in opposition to a strong public sentiment previously entertained and generally know. If that has been erroneous—and it sometimes is—it will probably lead to an unjust verdict. If there should be a divided sentiment, it would result in a disagreement, and the trial thus prove abortive. Whether the inability of the jury first empanelled in this action to agree upon a verdict resulted from the effect of public opinion upon the minds of some of the number cannot be certainly known. Perhaps it may be, under the circumstances, the inferrable cause; but I do not place any reliance upon that. There is sufficient without it to warrant the conclusion which I have adopted, that a fair, impartial and effectual trial of this action cannot be had in New York, and that, therefore, it should take place in some other county. The counsel for the defendant McLaughlin contended that the action should not be sent into another county for trial, as, if it should take that direction as to one it must as to all, and nothing appeared to prove that his client could not have a fair trial in the county of New York. It is undoubtedly true that as to the question whether McLaughlin participated in the transaction at all, or in any manner which would make him responsible, there is no evidence that any opinions have been formed or expressed. But then when one is charged as an active participator, an opinion as to the guilt or innocence of one of the actors, and especially when all were together, must have an important bearing as to all, and would disqualify a proposed juror who had entertained and expressed it on the trial of either of the defendants. Sergeant Hawkins says, in his work on the Pleas of the Crown (ch. 43, §27) that "the exception to an indictor is good upon the trial of another indictment, or action wherein the same matter is either in question or happens to be material, though not directly in issue." The principle that an opinion as to the guilt of an associate would exclude a juror was sustained by the Superior Court, in the case of the "People vs. Vermilyea and others." There would, therefore, be a difficulty in obtaining a fair and unprejudiced jury in New York to try either of the defendants. It seems from the affidavit of Baker that he has a large number of witnesses who are poor, and unable to bear the expenses of a journey to another and perhaps distant county, and that he is also destitute of property, and his counsel made a feeling appeal to me against changing the place of trial, and thereby in effect depriving him of the ability to establish his defence. This objection, if well founded, would be entitled to great consideration. The defendants should not be deprived of any legitimate means of defence, nor will I consent to do that. They must, at all events, have a fair trial. I shall, therefore, from a sense of justice evidently as to Baker, and probably as to the other defendants, require that the District Attorney shall make a satisfactory arrangement for the payment by the county of New York of the necessary expenses of the indigent witnesses subpoenaed by or on behalf of the defendants, or either of them, and attending at any court where the trial shall not be postponed at their instance. Under such an arrangement, it seems to me that a change of the place of trial cannot be productive of injustice. It is undoubtedly true that it is often advantageous to the innocent accused that the trial should be where they and the witnesses are known, and where the circumstances can be appreciated from local knowledge, but it is still more important that their fate should be decided by jurors selected from an unbiassed community. It can scarcely be necessary for me to say that I do not intend to impeach, in the slightest degree, the general character of New York jurors. Their respectability and their disposition to do right are not doubted, but they, like those selected from the rural districts, may be influenced in weighing the evidence and adopting their conclusions, by the public sentiment when that has been strongly formed and become generally known. Ordinarily where the place of trial is changed, an adjoining county should be selected, and so the authorities declare. However, there is no express limitation, and if the necessity which may require any change should call for a more remote county, that should be selected. In this case it is probable that the constant intercourse between the inhabitants of New York and the adjoining counties, and the free circulation of the newspapers of the city in its vicinity, have effected an extensive coincidence of sentiment, and the embarrassment in obtaining a fair and impartial trial is any adjoining county would be very great; I must therefore direct that the trial shall be had in a more remote county. The notice of motion designates the county of Suffolk, and as no particular objection was raised to that locality, I shall direct that the trial be had there, unless the counsel for the prosecution and for the defendants shall sign a mutual consent designating some other county. An order must be entered, reciting that it satisfactorily appears from the disagreement of the jury first empanelled to try the defendant Baker, the prevalence of formed and expressed opinions among the many jurors who had been summoned and had attended upon the inchoate second trial of the same defendant, and the indications which were thereby evinced that a strong sentiment as to the guilt or innocence of the defendant existed very generally among the citizens of New York, that a fair and impartial trial of the accused cannot be had in the county of New York, where the venue is laid; and that, therefore, the trial must be had in the county of Suffolk, (or any other county which may be designated by counsel,) upon the completion of the arrangements which I have designated for the payment of the expenses of the defendant's witnesses.

A Cargo of Japanese Goods Sold at Auction.

A sale of a somewhat novel character took place yesterday at the auction rooms of Leavitt, Delliser & Co., Broadway. The articles disposed of was a portion of a cargo of Japanese goods, which was brought to this port some weeks since by Capt. Badger, of the schooner Gen. Pierce. Those put up at auction and exposed to view in the salesroom were exquisite specimens of workmanship. One table was particularly deserving of notice. Its value is estimated at a thousand dollars, and the top is inlaid with a silver border, while the centre is intended to represent the sea, with numerous varieties of the finny tribes swimming about in its transparent depths. The fishes are made of pearl, and every fin and scale is as clearly defined as in a steel engraving. Another specimen of Japanese ingenuity was a sort of *multum in parvo* cabinet, with any number of drawers; a bottle formed of a peculiar kind of black wood, and several drinking glasses of the same material. On the top of the cabinet was a Japanese house, the doors of which, when opened, disclosed another set of drawers and various contrivances, the use of which would puzzle any one but a Japanese. We may hope, however, in course of time, to arrive at a knowledge of these things and a great many other curiosities which those people have hitherto endeavored to hold from the knowledge of the rest of the world.

The sale commenced about ten o'clock, and there were somewhat over a hundred persons present, a large number of whom were ladies. The fair sex manifested the greatest interest, and a considerable number of the articles were purchased by them. Still the bidding was not so lively as might have been expected, although Captain Badger will doubtless be able, not only to pay expenses, but realize a handsome profit on his cargo. The auction was conducted by Mr. W. C. Cook, who made a few remarks in regard to the articles and the way in which they had been procured. He said:—

Ladies and Gentlemen—Before commencing this sale, I think it my duty to make a few brief remarks relative to Capt. Badger's visit to Japan. On his arrival at Simoda his vessel was boarded by some 25 or 30 Japanese officers, who wished to know for what purpose he came there; to this the captain answered that he merely came to view the ports and observe the manner in which they carried out their treaty; finally he asked them if they would permit him to purchase some goods, to which they replied yes, to a small amount; so in the course of a few days they opened the bazaar for his inspection. On examining the goods he was surprised at the high figures marked on them. On applying to the officers if there could be no reduction made from those prices, they answered no, and even at these figures he could only purchase a certain amount, which was very small. However, by energy and perseverance, he was enabled to procure the lot you now see before you. Capt. Badger had two advantages in obtaining this cargo—first, his vessel was named after our present President. To use their own words, they think General Pierce a mighty big gun (which is much more than many of us do). Secondly, he promised to take with him Mr. Rudolph, who had lived there for some months and made himself particularly obnoxious to the officers. Unfortunately, you cannot deal with the merchant; everything must be done through the officers, the government realizing two-thirds of the amount paid. Again, our dollar is equivalent to theirs, but on receiving ours they cut it up and make three of theirs out of it; so, you see, there are many disadvantages in purchasing from them. They make a great show for honesty; for instance, after the goods were placed on board and accounts settled, the day previous to sailing, the vessel was honored by a visit from twenty or twenty-five officials who wished to see Capt. Badger on business of importance. On making his appearance, they, with bows and scrapes, informed him that upon examining their accounts they found an error in his favor amounting to $1, which they came to return. This may have been honesty, but the Captain was strongly impressed with the idea that it was an excuse to enable them to have a chance to drink his surplus of champagne, which they are very fond of. I could relate many amusing incidents which occurred during the Captain's stay, but have not time. In conclusion, allow me to tender the thanks of Messrs. Leavitt, Delliser & Co., and also Capt. Badger, for your kind attendance here this morning; and for myself, the greatest compliment you can offer me is to bid quickly and promptly.

At the close of the foregoing remarks, Mr. Cook proceeded in the usual way to dispose of the goods, dwelling with raptures on their great value; informing his hearers that they would never have another chance; that they were selling at an enormous sacrifice; that, in fact, this kind of business would never do; that they did not realize the worth of the goods; that he would give them fair warning, that they need not blame him if they lost such a chance, and that the articles were selling for less than they cost. In this way he disposed of a pretty fair portion of the cargo, which, we understand, is estimated at about twenty thousand dollars. The following are the prices which some of the articles sold for:—

Handkerchief box, inlaid and gilt	$ 8 25
Red tray, finely gilt	3 50
Butterfly box, inlaid with pearl and silver	11 25
Drawing box, finely inlaid with pearl	7 75
Opera glove box, with pearl and tassels	12 00
Gold inlaid tray	8 00
Magic work box, straw, finely gilt	10 00
Two square trays, gilt and inlaid	27 00
Drawing master's jewel	10 50

There were a large number of other articles, ranging from one dollar to twenty, but none of the higher priced goods were disposed of.

Opening of the Daily Normal School.

The institution which has been organized within the past two or three months, under the title of the "Daily Normal School," was opened yesterday, for the first time, to the public. The object of this school is the education of teachers to supply the vacancies that occur from time to time in the different ward schools throughout the city, and such has been the success that has thus far attended it, that it promises to be the most efficient agent we have yet had in advancing the interests and elevating the standard of public education in our city. Its establishment was met, we understand, by the most strenuous opposition on the part of some who professed to have the cause of education at heart; but, despite of all opposition, it is now in a most flourishing state, and judging from the exhibition of yesterday, it will eventually obtain a high position in public estimation.

The opening took place in the hall of the Board of Education, Grand street, and it was attended by a large and respectable audience. Among those present we noticed Mr. E. C. Benedict, Mr. Thomas Boese, Mr. D. Webb, Mr. Green, President of the Board of Education, and Mr. Neilson, all of whom have taken an active part in the organization of the institution. The exercises were opened with prayer by Rev Dr. Lathrop, after which the pupils of the school, to the number of about one hundred and fifty, joined in the chant, "O, give thanks to the Lord." We should state here that the exercises consisted principally of singing by the scholars, who have been under the instruction of Mr. Curtis for the last seven or eight weeks, during which they have attained great proficiency. It is designed hereafter to give another exhibition, from which the public will be enabled to judge of their advancement in the other branches of education, and to form an opinion of the merits of the school itself. The second selection, entitled, "Bright be the happy hours," was very sweetly sung by Miss Benson, Miss Barry and Miss Barker, Mr. Curtis presiding at the piano. After this there was an admirable piece of instrumental music, a mazourka, which was performed with admirable taste and expression by Miss S., a niece of Mr. Curtis. Then there was more excellent singing, after which an address explanatory of the objects for which the Normal School had been established, was made by the former President of the Board, Mr. Wm H. Neilson. At the close of his remarks the audience were entertained with several excellent songs by the pupils, and were afterwards addressed by Mr. E. C. Benedict, another ex-President of the Board. In the course of his remarks, Mr. Benedict alluded to the opposition which had been manifested towards the Normal School by many of the teachers, on the ground that it deprived them of some of their best scholars. While he spoke of the institution in terms of the highest praise he condemned the conduct of its opponents as subversive of the best interest of education. He had the fullest confidence in its efficiency and of those who had been appointed to the instruction of its pupils. He closed by predicting for it a high standing among the institutions of learning throughout the country, and recommended it to the support of all who earnestly desired the success of our present public school system. When he concluded, the pupils sang again, and after benediction by Rev. Mr. Lathrop, the audience dispersed, highly pleased with all they had seen and heard.

The Principals of the Normal School are Miss Susan Wright, Mrs. Tiers, Miss Varendah, Miss Arnout and Miss Burns. The First Principal, Miss Wright, was appointed from one of the ward schools, in which she had acquired an enviable reputation for her mode of imparting instruction, as well as for the admirable system of discipline with which she governs those entrusted to her charge. The position occupied by the head of a school of teachers is one of the most important and responsible in the country, and she who discharges all its obligations faithfully is deserving of the highest praise.

City Improvements.

CHANGES IN THE LOWER PART OF THE CITY—WHITE MARBLE, BROWN STONE AND IRON FRONTS.

A few years ago brown stone fronts to large stores were all the rage, and there was a danger that our business architecture would become of a very sombre hue, but this year a total change in this respect has taken place. Three out of four of our newly erected stores are of white marble, and it must be confessed that so far as appearance goes it has greatly the advantage, especially in narrow streets, or where a number of them are together.

The difficulty has heretofore been that American marble was dearer than brown stone, and of an inferior description compared with European. The white marble buildings constructed five years ago have a stained and unpleasant appearance now, owing to their liability to be influenced by the weather, and to catch and fix the floating particles of dirt always flying about in the atmosphere of a large city. When the first experiments in marble proved failures, brown stone came into use, and many stores were built of it. But it was found that there were serious objections to this kind of stone. It was found to be friable and liable to disintegration under the action of frost and the frequent changes of temperature in our climate. A variety of freestone of a drab color, is much admired; it comes from New Brunswick. The Mechanics' Bank in Wall street affords a good specimen of it.

Within three years past a new variety of marble has been discovered, which, besides being one-third cheaper than freestone, is in every way superior for building purposes, and is open to none of the disadvantages to which the old marble was liable. It is of a brilliant white, delicately veined, and impervious to atmospheric fluctuations. It will retain its color for as yet an indeterminate number of years. These advantages have given the new marble an immediate and immense popularity. But to the new buildings:—

In Wall street, Jacob Samson is building a fine edifice on Nos. 14 and 16. It will have a marble front of 44 feet, and will cost $50,000. It will be used for offices. The Union Bank is to be rebuilt on its old site, and it is in contemplation to make it a most magnificent edifice, worthy of the street and the banking interest of the city. It is to have a marble front, with ornate adornments, with iron beams, partitions and supporters, so as to be unmistakeably fire proof. It will cost, perhaps, $80,000. The banking rooms will be in the rear and connect with the street by a corridor.

In Nassau street there are several fine buildings near completion. Duncan & Sherman's banking house is nearly finished, at a cost of $180,000. It is thoroughly fire proof, and is a most splendid structure.

At Nos. 5 and 7 Nassau street the buildings are being torn down to give place to a fine edifice of New Brunswick free stone for the Continental Bank, which will cost $100,000.

At the corner of Nassau and Cedar streets the new Bank of Commerce is nearly completed, at a cost of $150,000. It will be ready for occupancy about the end of next fall. It is a superb building, constructed of marble and iron, and fire proof. This edifice throws our old Post Office quite in the shade. It is not creditable to the general government that the greatest postal station in the United States is such a poor affair, architecturally.

On the corner of Nassau and Beekman streets Mr. Whitlock is about to add sixteen feet to the building he has recently completed.

As soon as the lawyers get through with the Brick Church, it is to be demolished, and a new building constructed.

At the corner of Exchange place and William street a fine structure has just been completed, at a cost of $120,000. It has iron roof and beams, and will be fireproof. It is to be occupied by the Bank of the State of New York.

The Fulton Bank, corner of Pearl and Fulton streets, is coming down, and a new building, fifty feet square, three stories in height, and fire proof, will be erected; cost, $80,000. The lower part, to be occupied by the bank, will be of rustic ashler brown stone; the upper stories of brick, with a stone cornice, which will be very pretty.

In addition to the buildings already noticed in the HERALD, on Broadway, may be mentioned the one about to be put up on the corner of Murray street, by J. Grosvenor, 30 feet on Broadway, and 140 feet on Murray street. It will yield a rental of $20,000.

Adjoining the Chemical Bank, near Chambers street, a new house is to be put up, the nature of which has not yet transpired. Between Leonard and Worth streets, also, a building 40 feet front and 180 deep is to be soon erected that will be quite an ornament in its way.

On the corner of Grand the old American Hall has been knocked down, to give place to a building to be erected by a brother of Mayor Wood. It is to be 30 feet by 100, of white marble, ornamented, and will make quite a fancy edifice. Cost $70,000.

No. 449 Broadway, owned by Mathew Morgan, will be built up with a splendid store, to cost about $35,000, and which is leased by Merchant & Co.

The Lafarge Hotel is now completed, and will be opened very soon by Mr. Burroughs, late of the Irving House. The building cost nearly $200,000. It presents a front of white marble, 150 feet in length.

At the corner of Broome street a magnificent from building is to be erected for the owner, Mr. Walter Langdon, and is leased to Mr. E. V. Haughwout. It is to be five stories above ground, and two under, with extensive vaults, &c. The fronts on Broadway and Broome street are to be of cast iron, painted white, and in the Venetian (Cinque Cento) style. Each story above the first is to consist of three quarter engaged columns with pedestals and entablatures. The upper cornice is fully enriched and proportioned to the whole height of the building. The windows are formed by semi-circular keyed architraves resting on subordidate entablatures and detached columns, with an open balustrade to each window. All the columns and balusters will be fluted and of the Corinthian order fully carried out.

Kings County Court of Oyer and Terminer.

JUDGE ROCKWELL ON THE LIQUOR LAW.

The following Grand Jury were endannelled yesterday morning:—Henry A. Kent, foreman, Philip Brady, Daniel Fryer, H. Checas, Nathl. Mills, Alden S. Crowell, Luther Eames, William Warren, Peter Kelly, James Hall, Bernard Ridden, Edmund Driggs, Ezra Bushnell, Henry P. Freeman, James Kizg, Nicholas Wyckoff, Henry T. Taber, Abner S. Richards, Wm. Poole, Peter Collyer.

In his charge, Judge Rockwell said he deemed it would be injudicious to find any more indictments against liquor dealers, as the law upon this question was not yet ascertained, and sufficient already had been returned to test the question before the Court of Appeals. The parties against whom indictments had already been brought in would, he thought, be tried at the present term of the court.

KINGS COUNTY COURT CALENDARS FOR TO-MORROW.—Circuit Court—Nos. 3 to 20, inclusive City Court of Brooklyn—Nos. 33, 34, 35, 36, 39, 41, 42, 43, 43½, 44, 45, 46, 48, 49, 50, 51, 52, 53, 58, 60.

Williamsburg City News.

ROWDYISM.—On Sunday night about a dozen corner loafers went into the restaurant of John W. Duck, near the Grand street ferry, and, after partaking of refreshments, smashed a quantity of dishes, and then left without setting the bill. Yesterday afternoon Justice Clarry issued a warrant for their arrest, and four of the party were taken into custody.

SALUTE.—The young democracy of Williamsburg fired a salute on Saturday night, at the foot of North Second street, in honor of the nomination of James Buchanan.

RIOTOUS PROCEEDINGS.—A man named John Quinn, arrested by officer Townsend, of the Fourteenth ward, was brought before Justice Clarry yesterday on a charge of riotous proceedings. It appears that accused, with others, who had been employed unlading coal for the Houston Street Ferry Company, had struck for higher wages. The strikers were allowed to look for higher wages, and other men were employed. Quinn acted as a committee of one, to inform the new men that they must stop working for the old rates of wages, or violence would be used. Accused was held to answer.

ARRESTED ON A CHARGE OF MURDER.—A ship carpenter, named Thomas Godsil, was arrested last week, at the shipyard foot of North Second street, on a charge of murdering John Humphrey, a short time since, at Mystic, Conn. He was set at liberty yesterday, as it was ascertained that the officer had got the wrong man.

Jersey City.

FATAL RAILROAD ACCIDENT.—A man named John McGinnis, aged 30 years, residing in Newark, and employed upon a gravel train of the New Jersey Railroad Company, was accidentally killed yesterday afternoon upon the track of that road, near the Newark avenue crossing in Jersey City. He undertook to cross the track in front of the train while it was moving to escape another train that was passing, and he was run over and his head and one of his legs were severed from his body. Recorder Bedford held an inquest upon the remains.

SUDDEN DEATH.—On Sunday evening, as the mate of the schooner Buena Vista was going a shore at Jersey City with one of the hands, named Peter Burns, who was rowing the boat, the latter fell into the bottom of the boat and died instantly. He was a native of Ireland, about 51 years of age. Recorder Bedford caused his remains to be interred, and too charge of his effects.

THE ERIE CANAL IN FULL BLAST.—The second instalment of boats from the east reached here last (Friday) evening, since when about 150 have passed the locks on their way to Buffalo. There are about as many more now waiting, all of which will probably be cleared off by to-morrow morning. We learn from Engineers Colburn and Charles, that the canal is now in good order, with a fair prospect of continuing so from Buffalo to Rochester.—*Lockport Courier, June 7.*

City Intelligence.

SERIOUS ILLNESS OF SIMEON DRAPER, PRESIDENT OF THE BOARD OF TEN GOVERNORS.—We learn that Mr. Draper was seized on Thursday last with an illness that is exciting the gravest interest among his relatives and friends. On the day on which he had been attacked he had been attending a dinner of the New Jersey Railroad and Transportation Company, and on Friday symptoms of inflammation of the brain set in. Since then he has remained in a doubtful state.

THE NEW ENGLAND MEDAL.—A rich gold medal, to be worn by the President of the New England Society, has just been completed. It is three inches in diameter, and on its surface bears a finely engraved view of the landing of the Pilgrims. The reverse shows the arms of the six New England States, and an appropriate inscription to Plymouth Rock. On the edge is a chased vine, commemorative of Vineland, the old name given to New England by the Northmen.

MILITARY.—The First Brigade, Gen. Spicer, will parade on Wednesday next, 11th inst., in summer costume. The line will form on Hamilton square at one o'clock P. M.

Louis L. Leclerc, Commandant of the Garde Lafayette, has recently resigned his command of that cor