NEW YORK CITY.

THE COURTS.

UNITED STATES DISTRICT COURT.

The Blaisdell-Eckel Whiskey Case—Summing Up of Counsel—The Ribald and Licentious Press of the City—The Charge to the Jury to be Delivered This Morning.

Before Judge Blatchford.

The United States vs. Alvah Blaisdell, J. J. Eckel and John McLaren.—The trial of this case was resumed yesterday, several witnesses having been briefly examined for the defence, the evidence being mainly directed to impeach the character of the witness Dessendorf, one of the principal witnesses for the prosecution, for credibility.

TESTIMONY OF THE UNITED STATES MARSHAL.

Robert Murray—Had custody of Blaisdell's distillery last June; the chief clerk kept the papers and books, which would show when his custody terminated; the money which was paid for the release of the premises was paid in instalments; remember one transaction connected with the matter.

Cross-examined by Mr. Courtney—When did that transaction take place? A. Shortly after the sale of the distillery, March 19.

Q. State what that transaction was. A. Dr. Blaisdell came to my office shortly after the sale and said to me, you have sold my distillery and these internal revenue men have robbed me, and I am now short of funds and cannot pay the full sum; he said he had $4,000 or $5,000, less $2,000 than the amount the distillery brought; he (Blaisdell) said, I will pay you this on account and give you my check for the $2,000 balance, dated two weeks ahead, as I wanted to get to work as quick as possible and make some money, and then he says to me I will give you $1,000 to yourself for this accommodation; I then took him into the chief clerk's office, and I said to the clerk, give the Doctor a receipt for his money on account; Mr. Thompson took the money and was in the act of writing out the receipt when the Doctor said, "Won't I have the release before sending you the $2,000?" I said I could not do that; your distillery might be seized in twenty-four hours, or in a week, and if it was it would look like complicity if I trusted you $2,000—that is all.

Q. You received the amount and gave the receipt? A. Yes; and the amount was sent to the auctioneer; we didn't keep the money.

Q. He didn't pay you the $1,000? A. No.

By Mr. Knox—Q. Did you deliver up the possession of the property before you had received the full purchase money? A. No.

At the conclusion of the examination of the witness both sides rested.

SUMMING UP FOR THE DEFENCE.

Mr. McCarthy, on opening his summing up, congratulated the jury at the approaching termination of this protracted trial. He sincerely believed that their verdict would be a just and righteous one, whether as tending to the acquittal of the defendants on trial, from the facts that would be submitted to them in the course of the summing up, or should their verdict strike the first blow against the whiskey ring, against which for so long a time all the efforts of the pure and upright minded officials have been directed—although, unfortunately for themselves and the interest of the public, until this case was brought on, had been directed in vain. This case has attracted a great deal of public attention—a very great deal indeed—and it was from the knowledge of this fact that the counsel at the time of the empanelling of the jury put to you, gentlemen of the jury, certain questions touching the extent of your knowledge and information of the case that was to be submitted to you. For the last six weeks the public press, which to a great extent moulds public opinion among us, has had a very great deal to say about the defendants and about their counsel and about the prosecution. The public press has teemed with expressions of opinion with regard to these defendants and their counsel. Sometimes these opinions and expressions of opinion have been very scurrilous and indeed very personal. It has been repeatedly charged that we were afraid to go to trial—that we dared not face a jury of twelve men on the issue raised on the indictment in this case, and that consequently all manner of excuses and subterfuges were put forward by us to avoid a trial, because we had such good reason to fear the consequences. In some cases we have been made the object of personal attack in the newspapers and even during the progress of the trial, as you may have observed, these attacks have been kept up almost uninterruptedly. These newspapers assumed from the beginning that we were guilty and that you, gentlemen, must find a verdict of guilty against us; and it was even feared that the District Attorney might not press conviction upon us with sufficient zeal, and that functionary became the object of suspicion. Of course these remarks were made for a purpose—to inflame public opinion more and more against us, and were, no doubt, intended to reach you, gentlemen. Reading the papers last evening I came across this choice morsel:—

"We asked the —— some questions the other day. After pondering them two days it announces this morning that it cannot answer them. Very well, we can wait. The whiskey thieves are now having a turn in court, and we shall await the developments there and keep a sharp eye on the District Attorney and the prosecutors to see that they do their full duty."

And here is another sample of this style of warfare:—

"Quite a number of the whiskey swindlers of the revenue laws have been convicted, and more of such convictions are expected swiftly to follow. Rumor has it that the felons are all to be pardoned directly. If so, why incur the expense of trying them."

Gentlemen, we have had to stand up against an avalanche of public opinion dishonestly manufactured. You are human, and like all the citizens of this great republic, you are very apt to give as much credence to the effusions of any irresponsible newspaper critic as you are to the deliberate evidence of any witness, however honest and impartial. This trial had not been commenced two days when a certain sheet or newspaper whose ribaldry and licentiousness is fast passing in to a proverb, came out with a startling relation in this wise:—

"The array of evidence in this case by the District Attorney and Collector Bailey against these defendants seems perfectly irresistible."

Gentlemen, would you believe that this indictment was framed and was pleaded to at this very term, not five weeks ago? From the day we were called on to plead we made every exertion to get ready for trial; but there are reasons in this case that I have no right to disclose which would satisfy your minds that the government had no right to bring us to trial at all. Yes, gentlemen, there were reasons, solemn assurances and official faith pledged, solemnly pledged, and which, if they meant anything at all when they were made, meant that they should not be called on to plead to this indictment. He presumed that the impression would doubtless be on the minds of all that the jury was about to pass judgment upon the whiskey ring, and that the verdict of guilty would have the effect of breaking down the ring altogether; that the defendants now charged were the representatives of that monster and that every blow that was given against the defendant would be a blow against the ring. He submitted that the jury would be greatly mistaken if they allowed that impression to rest upon their minds. Now, the whiskey ring was not in court at present, and he believed that the District Attorney in waiting till the present time to strike the whiskey ring and thereby signal the eve of his official life had made a grave mistake in taking up this case. In 1867 there were eighty distilleries in the city and county of New York. During that time the tax was two dollars per gallon, while the whiskey was selling in the market at $1 60 a gallon. Since that year men had suddenly grown rich and were now living in luxurious ease. The fact was that the prosecution had failed to attack the principals. In adverting to the testimony which had been adduced in this case he submitted that the jury should be cautious in accepting the evidence of certain witnesses during this prosecution. He contended that no evidence had been elicited to show that the defendants could be connected with the removal of whiskey.

Counsel then proceeded to analyze and animadvert on the testimony of the various witnesses, which he asserted consisted of a tissue of falsehoods from beginning to end—from the first witness put on the stand by the prosecution to the last.

After the Court had rapped, the intimation that counsel had occupied his two hours, a recess was taken for twenty minutes.

On the reassembling of the court Mr. McCarthy applied to the Court for an extension of time to complete his summing up.

The Court said it could not consistently extend the time. If counsel had confined his remarks to the case at issue two hours would have been sufficient for his purpose. It was not for the Court's sake it refused further time, but the jury had rights which the Court was bound to protect.

Mr. McCarthy—Then I am to understand, your Honor, that our request is denied?

The Court—Yes.

SUMMING UP BY THE DISTRICT ATTORNEY.

Mr. Courtney then proceeded to address the jury. He said that when he had performed the duties and obligations which his office and the oath he had taken imposed upon him, and when the learned Judge who occupied the bench had delivered his charge, its duties and responsibility commenced. A great deal had been said by counsel on the other side outside the case. He told you that this was the first whiskey case ever tried in this court. It was unnecessary for him to inform the jury that when counsel made that statement he had strayed very widely from the truth. But it is of no consequence to you, gentlemen, whether or not any other whiskey case was ever tried here before, or whether any thief or thieves were ever brought before this court. The question you are to try is whether these defendants, and they alone, are guilty, as charged in the indictment.

It will be time enough when we can get courts enough and judges enough to try all the cases which the government might present, and he would assure his learned friend that if all the whiskey thieves that may be indicted have confidence in his ability to protect their interests, and they retain him in every case, he will have his hands full defending these worthy citizens. But the only question you have to try is whether or not on this evidence, made applicable to the law and which the Court will explain to you—these defendants are guilty as charged; and the moment any of you gentlemen step aside to consider other matters outside of the testimony as presented to you by the witnesses, that moment you violate the obligations you assumed and you become unfit to occupy those seats as arbiters between the government and these defendants.

It is a notorious fact, one which every good citizen regrets, that since the commencement of the war for the rebellion it became necessary to adopt a new system of revenue, and that from that system frauds of an enormous degree have been committed against the government and its laws. And we all know that on no article of taxation by the government has there been such an extensive commission of frauds as there has been on the article of distilled spirits. Congress through its committee has announced that in one year there has been taken from the taxes of the country through the instrumentality of these whiskey frauds over seventy-five millions of dollars. And, gentlemen, when I come to show you the startling nature of the frauds perpetrated in this one solitary case from actual figures, so plain that he who runs may read and understand them, you will perceive that over half a million of dollars has been defrauded by these parties, in this particular case; that the estimate of the committee of Congress of frauds of over seventy-five millions in one year is too low an estimate. As this has become a prominent case, and the attention of the community has been so fully directed to it by the public press, I shall occupy a larger share of your time than in an ordinary case would be necessary, in the hope of showing to the community again through the press the outrageous villany and rascality that have been perpetrated by these defendants, Blaisdell, Eckel and McLaren, and others.

Who are these defendants? What are their antecedents? Are they from their antecedent the men that would be presumed or suspected to enter upon the business of distillation, except for the purposes of defrauding the government—defrauding you and I and every good citizen that pays honestly the taxes imposed upon him? These men had no previous knowledge of this business. What connection could there be between manufacturing pills and plasters and boiling fat, the previous occupations of these defendants, and the distillation of spirits?

Mr. Courtney then read the twenty-fourth section of the Internal Revenue act, providing that every person engaging in the business of a distiller or rectifier shall give notes in writing to the assessor of the district in which such business is to be carried on, describing the names of the person or persons by whom and the place where such business is to be carried on, &c., and then proceeded to read selections of the testimony of the different witnesses for the prosecution, most important and material to the case for the government. Having closed his *resumé* of all that appeared to him material to the prosecution, he proceeded:—He would now come to a brief exhibit of figures. In the run of whiskey made in the distillery for the short period the distillery was in operation the tax legally due upon the quantity of spirits distilled by the firm amounted to $341,600. He (counsel) quoted figures that could not err, deduced from testimony that could not be disputed. On the second run of whiskey, that is on the whiskey that had been distilled from the recommencement of operations until the second seizure, the amount of tax due was $224,000, making the tax due on both runs of $565,600. This was the sum due from honest men to the government—money designed and intended for the support and maintenance of the government under which we live, and which undertakes and is able to extend the ægis of its protection over every citizen of the republic, insuring him the inestimable blessing of life, liberty and the pursuit of happiness. How, gentlemen, do these favored sons of the government assist in strengthening the government? They owe taxes to the amount of $565,600: they will not honor the first engagement, but they meet their indebtedness by paying over to the government as taxes on both runs $42,366, leaving a deficit, of which they defraud the government of $523,254. Gentlemen, is not this a startling exhibit to present to you? Is it not amazing that these defendants, in this one establishment, in this brief period of time, some six weeks, under the very eyes of government officials, should be permitted to defraud the government in those six weeks of over half a million of dollars? When I said I would present a startling exhibit of the results of these frauds you could not, gentlemen, have anticipated such an exhibit as this; and, in fact, when I came to figure it up I was startled myself. And it is only men like these, with a resolute determination and a well considered scheme for defrauding the government wholesale that could have the audacity to come into court to defend their frauds and submit to the ordeal of a public trial and the verdict of twelve of their fellow citizens—submit to the contumely and disgrace of certain conviction, sentence and punishment. Their audacity culminates in this—that on the face of the overwhelming and damning testimony which they must have known the government was in possession of, from the lips of their own tools and dupes, they come into court and tell this jury that they had nothing to do with the running off of the whiskey; that they were merely the owners of the premises, and had nothing to do with the business carried on therein. In this their impudence is nearly as great as the iniquities they have perpetrated. If every witness that appeared on that stand had lied from first to last, there are figures that cannot lie, and they incontrovertibly prove that these defendants, through their operations in that distillery, and their evasion of the payment of their just tax upon the amount of spirits distilled by them, have defrauded the government in the short space of six weeks of over $500,000.

I do not propose, gentlemen to occupy your time much longer, and in a few moments more I will leave the case with you. In some other respects the case is a very important one. It has excited a great deal of public attention, but this, of course, has really nothing to do with the case. It is not to be tried by public opinion, nor by newspaper controversy, but by the law and the facts—the former the learned Judge will expound to you; of the latter you are in full possession from the lips of truthful witnesses. I ask for no partial or unjust decision at your hands, but we demand that rigid and impartial justice shall be meted by you, regardless of all consequences. If you believe these men are innocent of the offence charged in the indictment, you, as honest and upright men, will acquit them. If, on the other hand, you believe the case has been proved against them, do your duty, as I know you will, manfully, faithfully and fearlessly. Let nothing like the thought of what the consequences may be to those defendants have any lodgment in your minds. With the consequences, whatever they may be, you, as jurors, have nothing whatever to do. The moment a juryman attempts to pander with his oath and debate upon the consequences of a faithful discharge of his duty, that moment he violates the sacred obligations he assumed when he took his oath, and from that moment he becomes, not the arbiter between the government and the accused, but the aider and abettor in the crime himself. The consequences belong to the law; the law imposes upon the offender the consequences of his crime, and upon the judge on the bench the solemn duty of apportioning the penalty according to the degree and quality of the offence.

I now leave the case in your hands, gentlemen. In the language of a distinguished general of the late war, in an address to his soldiers, "Let your action be short, sharp and decisive." And, again, in the language of the great captain of the age, our President elect, in his attack upon Fort Donelson, "Let there be an unconditional surrender." Be you, gentlemen, faithful to the laws which we claim that these men have violated, and I shall have no fear of the result.

Mr. Courtney consumed within a few minutes of his allotted two hours in his summing up, and when he concluded, it being then half-past four, the court adjourned till this morning at eleven o'clock, when Judge Blatchford will charge the jury.

UNITED STATES CIRCUIT COURT.

Convicted of Perjury.

Before Judge Benedict.

The United States vs. James McLaughlin.—The jury in this case, which has occupied the court for the past three days, returned a verdict of guilty. Sentence deferred.

SUPREME COURT—CHAMBERS.

The New York Central Railroad Imbroglio—Continuation of the Argument—Cornelius Vanderbilt Makes Another Affidavit.

Before Judge Ingraham.

Isaac N. Jenks vs. The New York Central Railroad Company.—The further hearing in this case was resumed yesterday, pursuant to adjournment of Tuesday last, Mr. Field, Mr. Vanderpoel and Mr. Blatchford appearing on behalf of the plaintiff and Mr. S. T. Fairchild for the defendant.

Mr. Vanderpoel read the following affidavit, to be used on behalf of the plaintiff's motion in conjunction with the affidavits and other moving papers presented on Tuesday:—

SUPREME COURT.—*Isaac N. Jenks vs. The New York Central Railroad Company, City and County of New York, ss.*—Isaac N. Jenks, the plaintiff, being sworn, saith—That it is a rumor current among persons dealing in stocks—which rumor deponent believes to be true—that Cornelius Vanderbilt purchased large amounts of stock in the New York Central Railroad Company shortly prior to the 19th day of December last, and that on that day he held 130,000 shares, or thereabouts, of that stock, and that deponent was informed last night by an intimate personal friend of said Vanderbilt, who has confidential business relations with him, that said Vanderbilt held on the night of December 19, 130,000 shares of stock in said company. ISAAC N. JENKS.

Sworn January 19, 1869—JOHN TAILER, Jr., Notary Public.

Mr. Fairchild then opened the case for the defendants, and said they proposed to show authority for the acts alleged to have been done by them under the General Railroad law empowering them to raise money by increasing the capital stock by a two-thirds vote of the stockholders, and by another provision, by which the company is authorized to borrow money, to issue bonds as security for the money, to mortgage all its property to secure such bonds and to make the bonds convertible into stock. At the time of the passage of that act there were ten companies engaged in the railroad business between Albany and Buffalo. In 1853 these companies were authorized to consolidate into one company, and by the same law the new corporation was clothed with all the powers and subject to all the liabilities arising under the General Railroad law. The amount of the capital stock of the new corporation, it was provided, should not exceed the aggregate capital stock of all the companies consolidated, and the consolidation took place in May, 1853, and by that agreement the aggregate capital was fixed at $23,085,000, which was the aggregate of all the companies, including $225,000 of convertible bonds of the old companies, so that this capital of $23,085,000 included not only the nominal capital stock of the old companies, but this amount of convertible bonds, which were regarded as capital. Soon after the consolidation the new company issued convertible bonds to the amount of $3,000,000, payable in ten years. None of these bonds were ever converted. In 1862 another issue of convertible bonds was authorized, amounting to $2,000,000, and that was all taken up. The question was, whether that issue was illegal. This suit was commenced on the 4th of December last, and the plaintiff alleged, in addition to the facts just stated, that the capital stock had been further increased $4,051,300, without the required vote of the stockholders, and said that it was illegal, and asked here that the defendants be enjoined from recognizing this excessive stock, either by voting on it or by receiving the bonds yet unconverted in exchange for stock. The first motion now before the court was a motion to show cause why the injunction of December 4 should not be enlarged so as to prohibit the issue of certificates of indebtedness or dividends on stock to the holders of the excessive stock. This order to show cause was made December 21. The next motion was upon Judge Barnard's order to show cause why Mr. Frothingham and Mr. Ogilvy should not be punished for disobeying that order, and the third motion was an order to show cause why the company should not be enjoined from issuing these "interest certificates."

Mr. Field objected to the argument of the second motion now, as Mr. Seward, who desired to participate in that argument, was too ill to be in court.

Mr. Fairchild thought it was not necessary that Mr. Seward should be present, as he had the affidavits of Mr. Frothingham and Mr. Ogilvy here.

Mr. Field and Mr. Vanderpoel both thought it desirable that Mr. Seward should be present.

DEFENDANTS' ANSWER.

Mr. Fairchild proceeded to read the papers to be used on behalf of the defendants in opposition to the motions and in answer to the papers presented by the other side, and read first the answer of the defendants to the original complaint.

The answer denied that the defendants had no right to a larger amount of capital than was fixed by the agreement of consolidation unless specially authorized, and claimed that the whole $23,461,300 of stock charged to be excessive was issued in good faith for the sole and exclusive benefit of the defendants' stockholders, and under authority of acts of the Legislature passed in 1850 and 1853, the former being the general Railroad law, and the latter an act providing that where roads have been consolidated they hold their powers under a loan which authorized the exchange of stock of one company with the other; that the issue of the stock was publicly and openly made and had been openly mentioned in the reports of the Executive Committee to the Legislature; that it was now impossible to distinguish that stock from original stock; that plaintiff had never appeared upon defendants' books as one of its stockholders; that the defendants believe that plaintiff was "short" of the stock of the New York Central Railroad Company and brought this action to depress and depreciate the value of the stock in the market for his private benefit.

The defendants' answer to the supplementary complaint of the plaintiff in relation to the issue of their "interest certificates" sets up that since the passage of the resolution mentioned in the supplementary complaint the defendants have issued the certificates to the stockholders of the company only, and denies that said certificates were issued without regard to whether they were in excess of the stock claimed by plaintiff to have been excessive. It also alleged that the defendants had expended equal to eighty per cent of their capital stock for the purpose of meeting the current expenses of the road, keeping it in order and increasing its facilities, and that these certificates represented the amount of that outlay. It denied also that said interest certificates have been issued to the amount of $20,000,000, as alleged in the supplementary complaint, and averred that they were issued only to the amount of eighty per cent upon $20,712,000 of stock, and no more.

The affidavit of Daniel Torrance, vice president of the defendants' company, set forth that the interest certificates have been issued to the stockholders holding stock to the amount of eighty per cent upon $20,712,000 of the stock; that all the certificates were issued in good faith, and without violating or intent to violate any order in this action, and that none had been issued since the order of Judge Cardozo enjoining said issue had been granted, on the 2d of January; that the majority of the persons to whom such certificates were issued are residents of New York city and vicinity, and that nearly all of them applied for and received the certificates to which they were entitled; that many other stockholders living in more distant parts of the State have applied for the certificates and have been refused because of the order of Judge Cardozo; that more than $1,000,000 of this illegal excessive stock was issued in 1856, and that the whole of it was issued prior to 1866; that it is now impossible to distinguish it from the $23,085,000 mentioned in the agreement of consolidation; that it was openly and notoriously issued, in compliance with and under authority of law and not otherwise, and that the defendants have received for such stock more than the par value thereof; that the injunctions and orders made in this action have a very injurious effect upon the company and the interests of its stockholders, and deponent prays that the same may be revoked.

The affidavit of Horace F. Clark was next read in rebuttal of the allegations of the affidavit of Henry Thompson, upon which the joint resolution to show cause was granted. The affidavit of Mr. Thompson referred to set forth that deponent was a dealer in stocks and generally acquainted with the transactions of the stock market; with the defendants' stock, and with the management of their stock; that since the injunction in this suit was granted the defendants had secretly agreed not to issue any cash dividends, but had agreed to issue these interest certificates to all the holders of stock of the defendants, irrespective of the fact whether they were *bona fide* holders of said stock or whether said stock was issued in excess of the amount which the company was lawfully empowered to issue. The affidavit of Mr. Clark set forth that he is one of the directors of the defendants; that said defendants have never, at any time, agreed not to declare any cash dividend for their earnings, or agreed to issue in lieu thereof certificates of indebtedness, as stated in Thompson's affidavit, and deponent further denied every allegation of said affidavit as to the intention, agreement or propositions of the defendants.

The next paper read was the affidavit of W. H. Hunt, a counsellor at law, who deposed that he had examined the papers filed with the clerk of this court and ascertained that the only undertakings filed on the part of the plaintiff on obtaining the first order of injunction was signed by James Fisk, Jr., George C. Hall and Isaac N. Jenks, in the sum of $2,500; the second was signed by William Belden and Isaac N. Jenks, in the sum of $3,000.

Mr. Fairchild remarked that it thus appeared that there was only $5,500 of security given upon the granting of these injunctions, which involved very large amounts of money.

Mr. Vanderpoel said he guessed that was enough to secure and cover all the damages the company could sustain in this action twice over.

Mr. Fairchild did not think so, and, after expressing that opinion, the matter was dropped.

Mr. Fairchild then read, in answer to the affidavit of Isaac N. Jenks, the

AFFIDAVIT OF CORNELIUS VANDERBILT.

SUPREME COURT.—*Jenks vs. The New York Central Railroad Company.—City and County of New York, ss.*—Cornelius Vanderbilt, being sworn, says that he has read what purports to be a copy of the affidavit made by one Isaac N. Jenks, in the action above entitled, on the 19th day of January, instant, and that deponent has never heard the rumor therein mentioned in regard to the purchase by deponent of large amounts of stock in the New York Central Railroad Company shortly prior to the 19th day of December last, and says that said rumor, if it existed, is, like other rumors, unreliable.

Deponent further says that he does not believe that any intimate personal friend of deponent ever informed said plaintiff that deponent held on the night of December 19 130,000 shares of defendants' stock; but, inasmuch as the plaintiff does not give the name of such friend, deponent is unable to procure his affidavit to contradict said affidavit of the plaintiff.

C. VANDERBILT.

Sworn January 21, 1869.—CHAS. T. MORSEN, Notary Public, New York city.

This affidavit was received with a burst of laughter, and as a reply to the affidavit of Jenks was pronounced "a model document."

This closed the reading of the papers, and

Mr. Vanderpoel proceeded to open the argument on behalf of the plaintiff, and having concluded was followed by Mr. Fairchild for the defendants. The further hearing was adjourned until to-day.

The Rogers Murder Case—Habeas Corpus for the Discharge of One of the "Jims" and Certiorari to Discharge His Brother "Mike."

Yesterday morning Mr. Justice Ingraham granted the following writ of habeas corpus:—

The People of the State of New York to Captain Allaire, of the Twenty-first Precinct Metropolitan Police of the City of New York, and to any person having in custody the body of James Logan, greeting:—We command you that you have the body of James Logan, by you imprisoned and detained, as it is said, together with the time and cause of such imprisonment and detention, by whatsoever name he shall be called or charged, before the Honorable one of the Justices of our Supreme Court at Chambers, No. 32 Chambers street, in the city of New York, on the 22d day of January, 1869, at eleven o'clock in the forenoon, to do and receive what shall then and there be considered concerning him, and have you then there this writ.

Witness, Hon. D. P. Ingraham, one of the Justices of our Supreme Court, the 21st day of January, one thousand eight hundred and sixty-nine.

By the Court. CHAS. F. LOEW, Clerk.

WILLIAM F. HOWE, Counsel for James Logan.

The writ was endorsed as follows:—

I hereby allow the within writ.

D. P. INGRAHAM, Justice Supreme Court.

WILLIAM F. HOWE, of Counsel.

JANUARY 21, 1869.

A writ of certiorari was also issued, requiring cause to be shown why, and the authority under which, Michael Logan, the brother of the above named prisoner, is held as a witness at the House of Detention.

The James Logan referred to in the writ is the James Logan who was arrested, and was the second person of that name taken into custody. The other James Logan surrendered himself upon becoming aware of the fact that a pecuniary inducement of $2,500 was offered for his arrest. James, the brother of Michael, claims to know nothing whatever of the murder of Mr. Rogers, and Michael asserts that he also is ignorant of anything connected with the tragedy.

SUPREME COURT—GENERAL TERM.

Remarkable Controversy Between a Mother and the Affianced of Her Deceased Son—A Five Thousand Dollar Life Insurance Policy in Litigation.

Before Judges Clarke, Sutherland and Barnard.

The Washington Life Insurance Company vs. Hannah M. Lawrence and Maggie Richmond.—This was a suit brought by the plaintiff to compel these defendants to interplead, both defendants claiming payment upon a policy of life insurance for $5,000 issued in 1861 to one Daniel E. Lawrence, Jr. The facts of the case as developed by the papers are somewhat remarkable. It appears that the defendant Lawrence was the mother of Daniel E. Lawrence, Jr., and the other defendant, Maggie Richmond, was his affianced. The policy was issued in regular form, and some time in 1862 Lawrence assigned it to Miss Richmond, for a valuable consideration expressed in the deed of assignment. This consideration, it appears, was her assent to his proposition of marriage. The wedding day was fixed several times and was as often postponed at the solicitation of Lawrence, by reason of his ill health. About a year and a half after this formal assignment Lawrence wrote to Miss Richmond at Winona, Minn., informing her that the premium on the policy was unpaid, and that the policy had expired, and desired her to reassign it to him, alleging substantially that the insurance company would not renew the policy unless the old policy was produced, and proof of its reassignment to the party to whom it was originally issued furnished. Miss Richmond complied with his request, retaining the deed of assignment given to her in the first instance, and reassigned the policy to her betrothed. Mr. Lawrence then assigned the policy to his uncle, the uncle consenting to pay the premium for its renewal and to hold the policy for the benefit of young Lawrence's mother. Neither Mr. Lawrence's mother nor uncle, it appears, were ever aware of the fact that the policy had at any time previous been assigned to Miss Richmond. The deed of reassignment to Lawrence from Miss Richmond was contained on a sheet of paper which was affixed to the policy, and this, it seems, had been removed. It was also shown that the premium had not at any time run out. Letters were produced showing that the engagement of marriage between the parties named had never been broken off, but was in full force at the time of Mr. Lawrence's death, which occurred in 1865, and letters were interchanged between them and correspondence maintained in the interval as usual.

On the trial the jury rendered a verdict in favor of the mother of Mr. Laurence, and Miss Richmond brings this appeal from that verdict. The questions raised are exceedingly interesting, the main point, however, turning upon the question as to whether the re-assignment of the policy from Miss Richmond to deceased was procured by fraud. It was also claimed by the respondent that no consideration was given for the assignment in the first instance of the policy, and that if it was a gift the donor had the right to revoke the gift at any time subsequent. These questions were met by the appellants on the ground that the consideration was one that conferred a right upon Miss Richmond, and was therefore a substantial consideration—to wit, a promise of marriage, which conferred upon her the right of an action for breach of that contract, if a breach were incurred. The question as to the gift was answered by the appellant claiming that a gift, if it could be revoked at all, could not be revoked by fraud, and they alleged fraud in the obtaining by Lawrence of the deed of reassignment.

At the close of the argument the Court took the papers, reserving its decision.

COURT OF GENERAL SESSIONS.

Before Gunning S. Bedford, Jr., City Judge.

GRAND LARCENIES.

The first case disposed of yesterday was an indictment against Thomas Lyons for grand larceny, charging him with breaking a showcase in front of Louis Nicoletti's store, 891 Broadway, on the 14th inst., which contained $200 worth of human hair. The prisoner was caught in the act, and when chased by the officer he threw away an iron chisel. After his capture he had the coolness to remark, "If I had been down in Wall street it would have been all right." The Judge sent him to the State Prison for two years and six months.

A NOTORIOUS FEMALE THIEF—THE WICKEDEST WOMAN IN NEW YORK.

Mary Ann Possing, alias Sharp, pleaded guilty to grand larceny, the charge being that on the 12th inst. she stole $130 from Rufus B. Craft.

Judge Bedford, in passing sentence, said:—Mary, you are one of the worst women in New York. I remember a year ago, when I was a prosecuting officer in this court, you were jointly indicted with two men named Strickland and Sharp for a robbery in Rose street. The men were convicted, and the Court saw fit, on account of the aggravated circumstances, to sentence them to twenty years' imprisonment. You got off by a technicality, although guilty, because you were the wife of one of the men, and consequently were discharged. You are brought before me on a clear case of theft, having stolen $130. I shall put you where you cannot thieve for some time to come. The sentence of the Court is that you be confined in the State Prison for four years.

ANOTHER FEMALE THIEF.

Annie Wilson, who was indicted for stealing a gold watch and chain from Joseph Corrie on the 9th inst., pleaded guilty to the charge. His Honor said in passing sentence that Annie was a "pal" of the other woman, and sent her to the State Prison for two years.

SENTENCES.

George Higgins and Wm. Heischberg, who were charged with larceny, pleaded guilty. On the 9th inst. they stole a showcase containing jewelry from the store of Henry Seckamp, No. 12 John street. Higgins was sent to the State Prison for three years, and his confederate for two years and six months.

Alexander Davidson pleaded guilty to an attempt at grand larceny, the indictment alleging that he stole a diamond ring and other jewelry, valued at $179, on the 21st inst. Mrs. Bush, the owner of the property, interceded in his behalf, and the Judge sentenced him to the Penitentiary for one year.

Catherine McCann, who was charged with stealing thirty-eight dollars' worth of bed clothing, the property of Isaac Marks, pleaded guilty to an attempt. She was sent to the Penitentiary for three months.

BURGLARY.

James Williams was tried and convicted of burglary in the third degree. The evidence showed that on the night of the 13th inst. he and a confederate, who escaped, burglariously entered the saloon of Max G. Zeller, 71 avenue A, with intent to steal wine. An officer detected him coming out of the premises, and when arrested endeavored to escape. The Judge, in passing sentence, said that Williams was a notorious thief, and he would therefore send him to the State Prison for five years.

HIGHWAY ROBBERY.

James Reagan pleaded guilty to robbery in the first degree, the charge being that on the 17th inst. he knocked down William Martin and stole from him a silver watch worth eight dollars. Judge Bedford, in passing sentence, said that Reagan belonged to a bad gang of young men. His Honor said he was going to put an end to knocking down citizens in the street and robbing them. If the prisoner had been tried the Judge would have given him eight years in the State Prison; but, as he pleaded guilty, he was sentenced to five years' imprisonment.

COURT CALENDARS—THIS DAY.

SUPREME COURT—GENERAL TERM.—Nos. 50, 55, 56, 57, 58, 77, 3, 39, 40, 90, 91, 93, 94, 96, 97, 98, 99, 101, 102, 103, 104, 108, 109, 110, 111.

SUPREME COURT—CHAMBERS.—Nos. 33, 63, 90, 91.

MARINE COURT—TRIAL TERM.—Nos. 1184, 1294, 1419, 1424½, 1461, 1374, 974, 317, 1430½, 1486, 1436½, 1487, 1480, 1511, 1512, 1513, 1514, 1515, 1515½, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1525, 1526, 1527.

COURT OF GENERAL SESSIONS.—The People vs. Charles Walker; grand larceny. Same vs. James Scott; grand larceny. Same vs. Andrew Gilmartin; burglary. Same vs. Julius H. Weman; grand larceny. Same vs. Charles Smith, alias Joseph Rothschild; larceny, second offence. Same vs. Robert Shearer; burglary. Same vs. William Heaney, Francis Fox; burglary.

CITY INTELLIGENCE.

THE WEATHER YESTERDAY.—The following record will show the changes in the temperature for the past twenty-four hours, as indicated by the thermometer at Hudnut's pharmacy, HERALD Building, Broadway, corner of Ann street:—

3 A. M.	32	3 P. M.	43
6 A. M.	32	6 P. M.	40
9 A. M.	35	9 P. M.	39
12 M.	40	12 P. M.	37

Average temperature 33⅛
Average temperature on Wednesday 35½

SUDDEN DEATH.—James McKibben, of 301 East Thirty-eighth street, died suddenly yesterday from unknown causes. Coroner Keenan was duly notified to hold an inquest.

DEATH FROM BURNS.—Coroner Keenan was notified yesterday to hold an inquest over the remains of Elizabeth Emerich, who died yesterday from the effects of burns, caused by the explosion of a kerosene lamp on Sunday, at 543 East Eleventh street.

EMIGRATION LABOR EXCHANGE.—The semi-monthly report of the Superintendent of the Castle Garden Labor Exchange states that from the 2d to the 15th inst. there were 1,489 applicants for employment; 765 orders received from employers; 675 persons were given employment.

DEATH FROM SCALDS.—On Tuesday evening, Oscar Fox, a little boy, aged two and a half years, pulled over a cup of boiling hot coffee, which stood on the table of his parents', in Eighty-fourth street, and so emptied the contents over his person. So severe were the scalds thus sustained that death ensued on Wednesday. Coroner Keenan held an inquest yesterday, when a verdict of accidental death was rendered.

AID TO THE POOR.—Archbishop McCloskey will deliver a lecture at St. Patrick's Cathedral on Sunday evening next. The admission charged will be appropriated for the benefit of the poor visited by the members of St. Vincent de Paul. This society expended $2,524 to alleviate the sufferings of poverty during the past year, making 12,126 visits to the poor at their homes. This laudable work of charity again appeals to the public for aid and ought not to appeal in vain.

HELL GATE OBSTRUCTIONS.—The blasting operations which have been going on for some time past at Hell Gate were yesterday temporarily suspended. On Wednesday the men were at work, and there now seems every reason to believe that the attempt to clear the channel of the sunken rocks will be carried on to a successful termination. The boring machinery has been working very successfully and a considerable number of blasts have been made. If the weather continues fair and the machinery does not get out of order operations will soon be commenced again.

COMMISSIONERS OF CHARITIES AND CORRECTION.—A stated meeting of this Board was held yesterday at the office, No. 1 Bond street, the President, Commissioner Bowen, in the chair. A large amount of the ordinary routine business was disposed of, comprising reports from wardens and other officers attached to the various institutions under the direction of the commissioners. A. Oakey Hall, of the firm of Brown, Hall and Vanderpoel, resigned as counsel to the Board. The resignation was accepted, and Mr. A. L. Brown, of the firm of Brown, Hall & Vanderpoel, was appointed to fill the vacancy. The contract for painting the steamer Minnahannock was awarded to Graham & Clark for $950. Several matters of minor importance were transacted, after which the Board adjourned.

THE VACANT POLICE INSPECTORSHIP.—There is considerable anxiety manifested in police circles as to who will be the lucky recipient of the mantle of the late Inspector Leonard. Captain Jourdan positively declines to accept it, and as it is likely to fall upon a democrat, the general impression is that the competition will be between Captains Mount, of the Seventeenth, and Jameson, of the First precinct. Captain Cameron, of the Eighteenth, has also been prominently named, and would fill the office with credit; but as he is a republican, his success is very uncertain. It is the sense of the Board to leave the inspectorship vacant for the present.

ACCIDENTS.—At eleven o'clock this morning Henry Hoffman, a child seven years of age, living at the corner of Eleventh avenue and Thirty-ninth street, in jumping off the Hudson River Railroad fell under one of the cars, which passed over him, fearfully crushing one of his legs. He was taken to the Mount Sinai Hospital.

Philip Reynolds, a sailor on the ship American Congress, while assisting to weigh the anchor fell and broke one of his legs. He was removed to Bellevue Hospital.

Yesterday afternoon a little daughter of officer John Harris, of the Fifteenth precinct, was run over by car No. 20 of the Second avenue line, and so severely injured that the physician says she will not recover.

THE BLIND RESIDENTS' BENEVOLENT SOCIETY.—A meeting was held at the Everett Rooms last evening, pursuant to a call of the above society, to consider he best means of aiding and assisting the adult blind of this city. Not more than twenty persons were present, and fully half that number were blind. Mr. G. W. Carey, having called the meeting to order, Mr. A. T. Canfield was elected chairman and H. D. Van Syckle appointed Secretary. Mr. Dixon, a blind man, rose, at the request of the chairman, and explained the objects of the society. There were over 500 adult blind persons in this city, who, in spite of their dreadful afflictions, were entirely dependent upon their own exertions. Blindness, the speaker said, was no excuse for laziness or crime. Blind vagrants who were able to work were a disgrace to the industrious blind, and blind beggars who were not able to work were a disgrace to the community which neglected to provide for them. But it was necessary to do something for the industrious blind; for, say that a man with full possession of sight can earn two dollars per day, at basket making for instance, and a man deprived of sight can earn one dollar, does it not cost them an equal amount to live? The blind man has to pay full price for his bread. There is no discount for affliction. The man who is blessed with sight should help his blind brother. Job felt it was a rose in his path of affliction to look back and remember that in the days of his prosperity he was eyes to the blind. Mr. Dixon concluded by proposing the following brief but forcible resolution:—

Resolved, That the afflictions of the blind are such as to call for the assistance of the community in relieving their wants.

POLICE INTELLIGENCE.

ALLEGED FELONIOUS ASSAULT.—Daniel Ettlinger, of No. 35 Walker street, appeared before Justice Dodge, at the Jefferson Market Police Court, yesterday morning, and complained that one Charles Coffee, a butcher, feloniously assaulted him yesterday at the corner of Wooster and Bleecker streets. He averred that the accused, without the least provocation, seized hold of him, struck him and from his pocket drew a large knife, with which he attempted to stab him. For a moment the ruffian was frustrated in his murderous design by the complainant himself, and were it not for an officer, who was fortunately at hand, the life's blood of another citizen might have been spilled. Coffee was committed to answer.

EXAMINATION OF WESLEY ALLEN.—An examination was held before Justice Dodge yesterday morning in the case of Wesley Allen, charged with stealing an overcoat from the store of Brokaw Brothers, in November last, valued at thirty-five dollars. Witnesses were produced for the prosecution, who testified that the coat found on the back of Allen was the property of the complainant, a salesman employed in the store. The room where the examination took place was partly filled with Allen's witnesses, who rebutted the testimony of the prosecution, all of them testifying that Allen purchased the coat from an unknown person for ten dollars and that they were present at the time. Justice Dodge took the papers and reserved his decision. Allen was committed to prison.

SNEAK THIEVES.—Dr. Lewis Fisher, residing at No. 231 West Thirty-eighth street, appeared before Justice Dodge, at the Jefferson Market Police Court, yesterday morning, and accused two respectably attired young men, named Charles Henry and Henry Hinensen, of calling at his residence, ostensibly on professional business, and stealing therefrom at the time two overcoats, valued at eighty dollars. The servant of the house answered the accused's summons at the door, and while she sought the doctor, whom they asked for, they took the property and rushed to the street, where, fortunately for the complainant, the fugitives were caught by an officer, who heard the alarm made. Subsequently the coats were found in an outhouse, where the accused had thrown them in their flight. Both denied their guilt, but were committed to answer without bail.

A REGULAR KNOCK DOWN ROBBERY.—James Barry is a respectable citizen of humble means and occupation, and resides at 250 Mott street, in the Fourteenth ward. On Monday night he was returning home when he was stopped by James McNamee, a youth of nineteen, who resides at 252 Mott street, and three other youths of like lawless propensities. McNamee was so unneighborly as to knock down Barry with a blow from his fist, when the gang took from his person a bag containing nine dollars and made good their escape. Mr. Barry naturally became indignant at this unwarrantable appropriation of his money, so informed the police and officer Martinott was placed on the alert. Yesterday the officer arraigned McNamee before Justice Dowling, who, on the complaint of Barry, remanded the prisoner for trial at the General Sessions in default of bail.

A MODEL SON-IN-LAW.—An elderly woman, neatly attired, called upon Justice Dodge at the Jefferson Market Police Court Wednesday afternoon, and desired to obtain a warrant for her son-in-law, who she said had robbed her by surreptitiously taking away from her residence, No. 130 Prince street, a quantity of household goods. As officer Quinn, of the Eighth precinct, was in court, the applicant, Mrs. Annie Aubanel, was directed to him with the assurance that he would aid her, and he did, as yesterday morning the accused was arraigned before Justice Dodge, when a complaint was made against him by her, revealing the following circumstances, which exhibit rather a remarkable degree of ingratitude on the part of a son-in-law:—That the accused, Lucien Bragard, some months since married her daughter, Miss Josephine Aubanel, and after the marriage it was acertained that he was too poor to support her, not having work more than one-third of the time. When this fact was known the old lady, believing him to be an honest and worthy young man, consented to his coming to her house, when she supported him and her daughter as his wife. But for all this kindness he displayed yesterday morning rather a dishonest disposition, as while his wife was out visiting a sick friend he hired two men, and they, visiting her room, packed up all the goods it contained, the complainant's property and a few articles of his wife then laying around, and caused them to be removed to an unknown place. This rather ungrateful treatment irritated the mother, and that justly, which caused her to move for his arrest. In his informal examination Lucien had the effrontery to say that he "believed the property to be his." Committed to answer.

BOARD OF HEALTH.

The Guano Establishment at Astoria—The Vacant Offices Filled—Dr. Harris Appointed Superintendent.

A special meeting of this Board took place at two o'clock yesterday. Present, Commissioners Lincoln, Brennan, Bosworth, Stone, Crane, Smith, Manierre and Swinburne.

Dr. Janes, Acting Sanitary Superintendent, sent in a report, from which the following is extracted:—

Since the meeting of the Board, on the 18th inst., three new cases have been reported, viz., two at No. 438 East Thirteenth street and at 404 East Fourteenth street, the latter fatal and traced directly to East Thirteenth street. The following is a complete list of the cases to the present time:—No. 431 East Thirteenth street, eight cases, including one death and one sent to the hospital; disinfected house, privy, bedding, &c. No. 426 East Thirteenth street, rear, one case; disinfected house, bedding, clothing, &c., and fumigated three rooms. No. 435 East Thirteenth street, three cases, including one death; disinfected rooms, clothing, privy and three cart loads of rags. No. 434 East Thirteenth street (rear), one case; disinfected clothing, bedding and premises. No. 437 East Thirteenth street, one case; disinfected premises and privy. No. 438 East Thirteenth street, three cases; disinfected premises, left disinfectants for clothing. No. 443 East Thirteenth street, one death; disinfected premises. No. 445 East Thirteenth street, one death; disinfected clothing, bedding and privy. No. 404 East Thirteenth street, one death; rooms now being fumigated and clothing disinfected—amounting in all to twenty cases. The entire number of deaths reported is six.

Engineer MATHEWS asked for an appropriation of fifty dollars to purchase apparatus with which to analyze the air of theatres, public schools and churches, the Board having ordered such analysis. The appropriation was granted.

The Alta Vela fish guano establishment nuisance at Astoria was taken under consideration, the Assistant Inspector reporting it as a nuisance. The secretary of the company reported that in the summer season the odor was bad, but not so in the fall and winter. Many of the odors experienced came from other sources. The company had been endeavoring to find another place, and as they had over $20,000 worth of material there it would be a serious loss to them to remove their property in a week. He insisted that there was no more odor from the establishment than from an agricultural warehouse. Mr. Lincoln asked if the company was acting in good faith in promising to remove, and was assured that such was the case.

The secretary asked that they be permitted to remain until the first of February, and under a promise that in the meantime there should be no manufacturing. The request was granted.

Commissioner CRANE moved that the Board go into an election for Sanitary Superintendent.

Commissioner STONE approved the motion, and moved an amendment that the Board go into the election three weeks from to-day.

Commissioner SWINBURNE thought it would be very unwise to defer the election, and the Board proceeded to an election by ballot, when Dr. Elisha Harris, Register of Vital Statistics, was elected Superintendent on the following vote:—Harris, 7; Dr. C. P. Russell, 1.

The ballot for Assistant Sanitary Superintendent for Brooklyn was unanimously thrown for Dr. R. C. Styles.

Dr. Morton Morris was elected Assistant Sanitary Superintendent for New York on the following vote:—Dr. Janes, 2; Dr. Morton Morris, 6.

The Assistant Inspectors chosen were:—E. D. Hudson, S. D. Wadsworth, Dr. Russell, F. A. Thomas, Dr. J. T. Nagle, Lloyd Stevens, W. S. Wescott, F. J. Randall, Louis Applegate, Aug. Viele.

Mr. MANIERRE offered the following, which were adopted:—

That until otherwise ordered all permits for the removal of the body of any deceased person from the city of Brooklyn for interment, and all burial permits and permits for the disinterment of the remains of deceased persons in the city of Brooklyn, be granted and signed by the Assistant Sanitary Superintendent of that city.

That —— Van Orden be and is hereby appointed deputy register clerk, and shall, under the secretary and the immediate superintendence of the Superintendent for Brooklyn, have charge of the records and papers of this Board relating to the registration of births, marriages and deaths in the city of Brooklyn, and shall perform the duty heretofore performed by the Deputy Register of Vital Statistics, except as otherwise ordered.

That, until otherwise ordered, all permits for the removal of the body of any deceased person from the city of New York for interment, and all burial permits and permits for the disinterment of the remains of deceased persons in the city of New York, be granted and signed by the Sanitary Superintendent.

That the titles of "Registrar of Vital Statistics" and "Deputy Registrar of Vital Statistics" be abolished.

John Brown was appointed register clerk for New York, to perform the duties lately performed by Dr. Harris.

Dr. CHANDLER made a brief verbal report as to experiments with kerosene lamps of different patterns, and an adjournment took place until next Monday.

THE FRUIT GROWERS' CLUB.

Meeting of the Club Yesterday Afternoon—Sparrows and Crows—City Gardens—A Horticultural College for Women Suggested.

Quite a large assemblage of ladies and gentlemen met yesterday afternoon at Agricultural Hall, No. 245 Broadway. In the absence of Dr. J. E. Snodgrass, Mrs. Dr. Hallock, vice president of the society, took the chair. Miscellaneous business being in order, a letter from Mrs. Jenny L. Whitlock, announcing her resignation as treasurer, was received and read. The resignation was accepted and Mr. L. L. Whitlock was elected in the place of his wife to the same position.

The secretary, Mrs. H. T. Williams, read an appeal for the preservation of birds as protectors of the fruit crop, and referred to the experience of France, where statistical information proved the wonderful usefulness of the little bird, the English sparrow; the same experience was had in England, and a suggestion was made that farmers and gardeners should protect them.

Mr. Carpenter spoke of the experiences of citizens of Watervliet, where birds are protected against huntsmen, and that the people are much more free from insect pests than their neighbors and other parts of the country. Dr. Snodgrass having arrived and taken the chair, stated that the meeting was not exclusive to the members of the club, but all are invited to participate in the debates and make suggestions. Mr. Carpenter resumed his eulogy of the usefulness of the little birds. In the course of his remarks he mentioned that formerly he believed crows a nuisance, but his later experience taught him that they are a benefit. They are great insectivorous birds, destroying the worms, the grasshoppers and other insects. The farmer ought to protect them. Dr. Snodgrass suggested that crows are taking eggs and even come to the barns.

Mr. Fuller declared himself decidedly the champion of the crows and gave his own experience in support of his views, believing that crows will not touch an egg or a young bird unless starved almost to death. The secretary referred to the fact that twenty and more years ago the fruit crop was better, old farmers and gardeners being in the habit of referring to the "good old time," and this was due more to the protection trees received from birds than since from the law. Mr. Bruyn, of New Jersey, believed that eveything that wears feathers, except hawks and the falcon species, should be protected by law. Dr. Hallock, of Milton, thought that no benefit could be derived from all the statutes that may be filled up, but that all members of the society should form themselves into a police force, minus the club, and protect the little birds. All his neighbors would introduce the sparrow and want to know where they can be got. It being suggested that they would have to be imported, it was suggested to have a cargo of sparrows brought from England. Mr. Greenleaf, from Long Island, also put in his experience in favor of the crow. Mrs. E. Lyon, of Rhode Island, believed that there are different degrees of civilization among crows, knowing herself that some attempted to pick out men's eyes, and the lady herself had to sustain some sharp fights with some of them. Mr. Holton, of Haverstraw, inveighed against the robins as enemies of grapes, raspberries and strawberries, while they leave insect nests along with their own nests entirely undisturbed. The only worm they feed on occasionally is the angle worm, the best friend of the farmer. Dr. G. B. Williamson defended the sparrows in Jersey. Mrs. Dr. Hallock mentioned Swedenborg's doctrines that the habit of birds is correspondential to the habit of the people among whom they are, and if birds are destructive it is because they probably feel they are among enemies; among friends they behave differently.

This subject being declared sufficiently ventilated Mr. Andrew S. Fuller read an essay on "City Gardens." The idea, he said, was prevailing that because living in a city one cannot have a garden. Many acres are not necessary, but a small space of a few yards. A conservatory of a few choice plants will yield all the benefit in home comforts and pleasures derived from a garden. But agricultural and horticultural journals and science are neglected, while the nonsense of modern novelties is eagerly sought for. The difficulties, such as poor soil and the like, and the dust and insects were referred to and the means by which to overcome them. There are many advantages. The atmosphere, enclosed within high walls, is never too cold. The location, the ground facing south and north, was spoken of as indicating the different kinds of plants suitable to it. A proper selection, looking to adaptation to soil and location, is necessary. Even fruits may be grown, not on large, but on dwarf trees, not exceeding two feet in height. Thousands of such trees might be grown in this city. The grape vine is just suited for this purpose, and there is room enough for thousands and tens of thousands more. The grape ripens earlier in the city; but the great fault is the injudicious pruning. As to ornamental plants the principle of adaptation should be followed. The broad leaved evergreens, as rhododendrons, kalmias and hollies, will thrive in our climate, have flowers of great beauty and deep, glossy foliage all the year. Cleanliness is the great secret. Have pure water and keep the leaves clear from dust. The native ferns were referred to as affording a pleasing sight. A heap of stones, with the interstices filled with a light soil, is just the position for them. Flowers under glass and other improvements were spoken of in the concluding part of the evening.

Some conversation arose upon the suggestions contained in the lecture or essay on "City Gardens." The want of attention, chariness to work, leaving it too much to hired help and losing the early morning hours were mentioned as some of the principal causes for the failure of city gardens. Mr. Pruyn, of New Jersey, mentioned the proper way in planting currants is to have currant trees instead of currant bushes. Dr. Hallock mentioned a potato plant which he had in a pot in Chambers street some twenty years ago, training the branches around the window, and by giving it an unpronounceable name all his acquaintances asked for slips. Dr. Hexamer, of Westchester county, connected the culture of flowers with the morals of the people, claiming that where love of the beauties of nature grows the moral character of the people will also rise. There are more flowers used in this city than elsewhere; but it is the fashion to have flowers and not plants, and but little is done to cultivate plants.

Mrs. Sheppard advocated the establishment of a horticultural school for women near New York; that the city authorities should obtain a farm where to send women instead of sending them to Blackwell's Island. It would do more good in a year than the Midnight Mission or Black Maria in a century. Dr. Hallock believed that the element of progress which springs from the silent life of nature has been too long neglected. The introduction of Croton water and the Park were elements of progress, and exert their influence on the moral and mental elevation of the people. On motion of Mrs. Dr. Hallock, Miss Jane Lee Waring was elected an honorary member of the club. Mrs. Dr. Hallock mentioned instances of ladies engaged in horticulture and also in civil engineering, and Mrs. Sheppard added that she knew a lady in Australia engaged in running a quartz crushing mill.

After a short address from Dr. Snodgrass the club adjourned.

THE STATUE OF FITZ-GREENE HALLECK.

The friends of the late gifted poet, Fitz-Greene Halleck, who may desire to contribute towards the erection of a full-length bronze statue of him, for which a site has been selected by the Commissioners of the Central Park, are invited to forward their subscriptions to the treasurer of the committee, whose name appears below, or any of the undersigned. The sum of $12,000 is required for the erection of the statue, a considerable portion of which amount has been already subscribed by citizens of New York.

Samuel F. B. Morse, President, No. 5 West Twenty-second street.
Benjamin H. Field, Treasurer, 127 Water street.
James Grant Wilson, Secretary, 51 St. Mark's place.

Hamilton Fish,	Samuel B. Ruggles,
William C. Bryant,	William H. Appleton,
John H. Gourlie,	William T. Blodgett,
William Kemble,	Andrew H. Green,

Evart A. Duyckinck.