THE "COMING" BRITON.

The Pauperism, Factory Slavery and Ignorance of the British People.

Address by Mr. Mundella, of the British Parliament.

Life-like Sketches of the Saw Grinder—The "Heathen Chinee" and the British Clodhopper—The American Free School Guarantees the Republic—Great Britain to be Made a Free Nation by a Popular System of Education.

LABOR STRIKES AND ARBITRATION.

A very interesting lecture was delivered last evening in the Cooper Institute by Mr. A. J. Mundella, Member of Parliament for Sheffield, the subject being "Strikes, Arbitration and the Civil Service of Great Britain." There was a large attendance, including many ladies, and throughout the lecturer was listened to with earnest attention. At intervals he received the marked approbation of the assemblage. Mr. Peter Cooper presided, and among those on the platform were:—Chancellor Ferris, A. T. Stewart, G. M. Curtis, Rev. Dr. Bellows, Judge Hilton, Judge Daly, J. W. Gerard, Nelson W. Young and a deputation from the Workingmen's Union, Amalgamated Engineers and other associations.

Shortly after eight o'clock Mr. A. S. Hewittcame, forward to introduce the lecturer. He said that Mr. Mundella was a self-made man in the best sense of the term, a man who had been for many years actively engaged in a very large business, sympathizing with progress in all quarters of the globe, and taking a profound interest in the settlement of the true relations between labor and capital. He was, moreover, a statesman who believed workingmen had brains to be cultivated as well as muscles to be hardened, souls to be saved as well as bodies to be nurtured, the able and eloquent advocate of free education and the author of that scheme of arbitration which had dug the grave of strikes—above all, the warm and earnest advocate of the cause of the Workingman's Union at a time when it needed friends and one of the most able and eloquent of that little band of English statesmen who stood by the Union. (Applause.) Mr. Mundella came there with peculiar claims to their respect and to their gratitude, and especially to their attention, when, in response to the invitation of the trustees, he was about to give the audience the benefit of his large experience upon questions of the greatest moment to this country. (Applause.) The lecturer was received with earnest demonstrations of welcome.

In the course of his remarks Mr. Mundella said:—One distinguishing characteristic which has presented itself to me in every town and city I have entered in this country, and which must command the unqualified admiration of every impartial student, is the unbounded munificence and public spirit of your citizens. I feel honored by the presence of this audience, representing so well the capital, labor and intelligence of the New World. I know you would prefer that I should speak to you with frankness and unreserve, and should any words escape me which jar upon the susceptibilities of my auditory I must pray you, in the words of our Shakspeare, to remember that "all offences come from the heart," and "never came any from mine that might offend." I propose to treat briefly of some of those social problems which in England have exercised the hearts and minds of all thoughtful men. To show you how far we have succeeded in our attempts at their solution, and whenever it suggests itself to me that I can usefully point out

DANGERS AND PITFALLS,

which the light of our experience would warn you to shun, I shall humbly venture to do so. Probably there are some within the sound of my voice who recollect the state of England prior to the passing of the first Reform bill in 1832. The government of the country was mainly in the hands of the aristocracy. Rotten boroughs and landlord influence returned a considerable proportion of the members of the House of Commons. Galton and old Sarum returned two, and, I believe, had never more than two houses in them. Bramber also sent two, although its population scarcely reached a hundred souls. There were dozens of constituencies for which the lord of the neighboring hall or castle could have sent to Parliament his footman or his groom, had it so pleased him, while the great industrial centres, such as Manchester, Birmingham and Sheffield, were altogether unrepresented. It is surprising that the social condition of our people was such as we now look back upon with horror, and almost with incredulity. In our factories and workshops, children—often mere infants—and women toiled all hours of the day and night under cruel taskmasters. Boys and girls, men and women worked together in our mines nearly in a state of nudity. The working classes generally were badly paid, badly housed, clothed and fed. Education was almost wholly unprovided for. What little there was was the result of private benevolence. The recipients of it were often made to feel it was doled out to them in charity, and servile obsequiousness was exacted in return. The records and parliamentary bluebooks of the time present us with pictures little short of hideous of the prevalent want and suffering, ignorance and depravity. This, although greatly ameliorated, is far from being extirpated. With a spirit and resolution worthy of your sires, Englishmen are now manfully grappling with these evils, and I believe, with the help of God, the struggle will not cease until they have rendered Great Britain and Ireland intelligent and virtuous, prosperous and free.

THE REFORM BILL OF 1832

enfranchised the middle and a fair sprinkling of the working class. Although, practically, it gave the power to the middle class, it enabled the unenfranchised masses to make their voices heard to sympathetic ears. In 1833 the cry of the factory children first reached the ears of the Legislature, and scarcely a session has passed from that time to the present in which laws for the protection of children, young persons and women engaged in various employments have not been extended and strengthened. Beginning with the factories and mines, we have at length reached the workrooms of the poor seamstresses, the fashionable milliner and the court dressmaker. No woman or young person, male or female, under eighteen years of age, engaged in the occupations affected by the Factories and Workshops acts can be employed more than ten hours in any day, and after the hours of two in most, and four in some, on the afternoon of Saturday. No child between the ages of eight and thirteen can work more than half time, and during half time must attend two hours a day at school. No woman can enter a mine, or engage in certain other occupations for which nature unfits her. Never has legislation produced more beneficent results. The improvement in the physical and intellectual character of the classes affected is attested by the ablest observers. The employers, who at first opposed this legislation, are now among its warmest supporters, so satisfied are they of the great blessings it has conferred. We have by no means reached the end of it. Switzerland and North Germany have remodelled their labor laws. No child under twelve years may now enter a factory or engage in a variety of employments injurious to health or interfering with education, and every child in Switzerland must attend school till the completion of the sixteenth, and in North Germany of the fourteenth year. We in England have no intention of being left behind by our intelligent rivals; and I ask you, my working brothers, if you could direct your combinations to a nobler end than this? Are there no children of tender years and no women working long hours in the mills of Massachusetts and Pennsylvania? Talk of competition with Chinese labor—what is this to competition with infant labor? The "Heathen Chinee," as one of your humorous poets has lately shown, soon becomes as keen at a bargain or a game at euchre as the Christian Yankee; but women and children, unable or unaccustomed to avail themselves of combination, ought to be the objects of the care and protection of society. For your own sake, for the sake of the health and intelligence of your children and the future citizens of the republic, for the sake of the wives and mothers of the next generation, I venture to urge this subject upon your attention.

The year 1867 will hereafter be regarded as one of the most important in English history. Eight hundred years had passed since the last Saxon King had dedicated Westminster Abbey and laid his bones within its hallowed precincts. Eight hundred years before the Norman William had planted his foot on English soil and on the neck of the Anglo-Saxon race. How slow is the growth of nations! Eight hundred years of wrestling with power and privilege before the people—the source of all power—were fairly admitted within the pale of the constitution! After long years of laborious agitation on the part of Bright, Forster, Stansfield, Hughes and the radicals of England; after the most eloquent appeals and the chivalrous sacrifice of office by Mr. Gladstone household suffrage was wrung from a tory government and a reluctant Parliament. "Now," said Mr. Lowe, "we must teach our new masters how to read and write." What a confession of neglected duty, what a heavy censure on the apathy of the ruling classes are implied in those words of the witty Chancellor!

THE EDUCATION OF THE PEOPLE

was one of the questions which occupied the first session of the new Parliament. In England we have thousands of educational endowments, many of them dating back from the Protestant Reformation, and some of a much earlier date. In the aggregate their value is enormous, and being entirely uncontrolled by the State the grossest abuses had crept in. When the schools were good they were monopolized by the noble and the rich. When they were good for nothing they were left to the poor. In many instances nobody derived any benefit from them but those who had control of the funds; in one the head master had turned the school into a carriage house, and taken two scholars (quite as many, he said, as he wanted) into his own house. Mr. Forster's Endowed Schools bill gave the control and direction of these resources to the Council of Education, and it is expected that three years will be occupied in investigation and reorganization. The objects of the bill, as stated by the Minister, were to restore the schools in accordance with the spirit of the intentions of the founders, to render them accessible to the clever poor boys who distinguished themselves in the primary schools, thus stimulating the intellectual energies of the entire people, and declaring, in the words of Napoleon, "*La carrieré ouvert aux talents.*"

This measure has become a law, and when the work of reorganization is completed these high grammar and classical schools will form the apex of the educational pyramid of England.

Your wise ancestors never founded a colony or State without making provision for education. I doubt if there is a name great in your history, from Penn to Webster, which is not associated with some tribute to its value and importance, and some appeals and injunctions against its neglect. Yet it was not till the year 1840 that a shilling was voted for this purpose from local or national taxation in Great Britain. The amount of the first grant was £30,000, reduced in the following year to £15,000. In 1843 Mr. Leonard Horner, one of our first and ablest factory inspectors, reported that in an area of eight miles by four, comprising the large boroughs of Oldham and Ashton, with a population of over 100,000, there was not a single public day school accessible to the children of the working classes. After this date, however, education advanced with rapid strides; the thoughtful and intelligent portion of the community, especially the clergy, made great exertions and great pecuniary sacrifices to aid the work. Not less than nine millions sterling, it is calculated, has been raised for this purpose by voluntary subscriptions during the past thirty years. To this must be added the grants by the State and the fees paid by the children, each amounting to a like sum. Small as this appears in contrast with your magnificent provision, it was an immense achievement as compared with our previous experience, and great results followed thereon. Still a moderate computation showed that two years ago there were 1,000,000 children not attending school, and the conviction deepened in the public mind that no volunteer agency could reach this mass of ignorance, the fruitful mother of weakness, misery, pauperism and crime.

All investigation goes to prove that the neglect by the State of this paramount duty has been one of the chief causes of the dependence and depravity of

OUR PAUPER AND CRIMINAL CLASSES.

In 1866 twenty-three per cent of all the males contracting matrimony signed the registers with their marks. Of the criminals convicted during that year less than three per cent could read and write well, and only one in six hundred had received a superior education. The outrages perpetrated by the brickmakers' and sawgrinders' unions were reported by the commissioners as mainly due to ignorance; and the willing dependence of one million of paupers is largely attributable to the same source. Four hundred thousand of this number are children born and bred in pauperism, and we are now realizing that the only radical cure for this is to take them early from pauper associations, give them an industrial training, and either in our colonies or elsewhere provide them with a new career.

A few weeks hence school boards will be elected in England for the first time. I read that in London and all the principal towns the workmen require of every candidate seeking their suffrages that he shall enforce the compulsory clauses, so that the time is not far distant when you will cease to reproach us with the ignorance of our emigrants; when to say that a man is an Englishman will imply that he is the equal in intelligence to the citizen of any country on the globe. I cannot conclude this part of my lecture without congratulating you on what your country has done and is doing for education. It has been a constant delight for me to go from school to school in the towns and cities I have visited, and without fearing to incur the reproach of flattery I can say, familiar as I am with the school systems of Europe, that in private munificence, in public liberality, in the beauty, comfort, order and arrangement of your schools, you surpass the world; but I should be uncandid if I did not frankly tell you that North Germany and Switzerland excel you in the thoroughness and universality of their systems, and this, I believe, is entirely owing to the fact that in those countries the parent has not the right to deprive the child of the excellent training which the State has provided. When the parent fails in his duty the State stands in *loco parentis*, and this is what you chiefly need to perfect your educational system.

I have been requested to say a few words on recent important changes in the mode of appointing

OUR CIVIL SERVICE.

At the close of the last and the opening of the present century English politics attained the climax of corruption. Until long after the passing of the first Reform bill offices were the reward of political services, and very frequently of political dishonor. Of course, square men were often put into round holes, and round men put into square holes. Not unfrequently when there was no hole for the man to fit a hole was made to fit the man. Mr. Bright characterized our civil and military services as a system of outdoor relief for the aristocracy. As a consequence John Bull paid dearly for his servants, was very badly served and found his taxation and expenditure steadily increasing. You will all be familiar with Dickens' description in "Little Dorrit" of the Barnacles of the Circumlocution Office—what consternation and disgust were excited by that dangerous radical who "wanted to know, you know." Had Mr. Dickens been spared to us a few months longer he might have written the epitaph of the Barnacle family.

I have ventured upon these friendly criticisms because I am satisfied your country possesses the means and the opportunity of becoming first in intellectual, as it is undoubtedly first in material prosperity. Free from external enemies, no wasted years of military training are required from the nation's youth. Benefactions of ten million dollars in two years for the advancement of the higher branches of education evidences generosity and an appreciation of intellectual culture unparalleled, so far as I know, in the world's history. Free schools, free colleges and free universities are sources of national power and wealth greater than Californian mines and boundless prairies. Events present to every mind attest this. "Not the needle gun, but higher education, has conquered us," was the exclamation of an Austrian savant in 1866. Jules Simon, in addressing the French Chambers two years ago, said, "Show me the nation that has the best schools, and I will show you the premier nation. If the world does not acknowledge this to-day it will do so to-morrow." How prophetic of that demoralization which ignorance has entailed upon France!

The Postal Department is as well served as any private firm in Great Britain (I believe I should be justified in saying better served). It is the one department of which all Englishmen are proud. It is unequalled for punctuality, civility and despatch. It has been able to go on steadily with reductions and reforms. During the present year it has diminished the rate for the conveyance of newspapers up to six ounces to a halfpenny. It delivers all printed circulars not sealed at the same charge. It provides cards, four and three-quarters by three and three-eighths inches, which, including the card, stamp and delivery, can be purchased for a halfpenny. It has reduced the rate on ocean and continental postage, and all are looking forward to the time when it will give us an ocean penny postage. It gives money orders, acts as a national savings bank, conveys books, and gives a host of other facilities. It has recently purchased all the telegraphs, and reduced the rates thirty per cent, and will shortly further reduce them. It took into its employ all the operators without any inquiry into their politics. It subsidizes a fleet of more than one hundred and fifty steamships, and after paying all expenses of every description, it hands over about $6,000,000 annually as profit to the national exchequer.

THE COMPETITIVE SYSTEM

was adopted as the test of fitness for official employment, and I stand before you the representative of one of the largest constituencies in England, without the power to influence in the smallest degree the appointment of a Custom House officer or an exciseman. I rejoice in this for several reasons, personal and public. Personally, I say no representative can be strictly independent who touts after the Executive for appointments. No man can efficiently serve his constituents and his country whose time is occupied and mind harassed by hunting after and dispensing patronage. He knows that for every office he bestows he is pretty sure to make ninety-nine enemies and one ingrate. The public reasons are still more potent. The prizes of the State are open to all classes, without distinction of rank or social position. The child of the poor man with brains has the same chance as the son of a peer. The effect of the system upon the education of the people must be beneficial in the highest degree. When it is once seen that the son of the artisan may snatch the prize from his noble competitors parents will be more willing to make sacrifices for the education of their children. Not only will the winners be rewarded, but even the unsuccessful will be gainers in intelligence and intellectual force. The nation will gain every way. It will secure honest and competent servants whose tenure of office and promotion will be solely dependent upon meritorious service; and when representatives are chosen, not for what they can get or can give, but for their knowledge of political science and their power and disposition to serve the fatherland, a higher tone may be expected to pervade the circle of politics.

You are an old people in a new country, possessed of all the experience which centuries of European success and failure have given you. You have no trammels of caste, or prejudice, or ancient institutions remaining to overcome. Above all, you have the command of resources so vast that they are as yet even unknown to yourselves, and generations of well remunerated industry will be required to develop them. We, on the contrary, are in an old country, where all the resources of nature are already appropriated; where laws, traditions, institutions require to be changed; where we cannot build up without first pulling down, and cannot pull down without inflicting injury and loss somewhere. We have old wrongs to redress, old neglects to repair, old class prejudices and distinctions to remove. More than all, we have a dense population in a seagirt fortress without extension or expansion. The area of England and Wales, as you know, is less than that of New York and Pennsylvania; and this limitation of territory, while it greatly enhances the difficulties of our problems, renders their solution imperative.

The tendency of industry is everywhere to localize itself. We have our iron and our coal districts, our cotton and our woollen districts. Ribbons are only made in Coventry, cutlery in Sheffield, lace in Nottingham. Wherever numbers are aggregated engaged in the same industry community of interest and sentiment is certain sooner or later to bring them into association. Trades unions are the natural consequence. They are not confined to England and America—they exist in all free countries; and whenever legislation has attempted to deprive the workmen of this right of combination conspiracy and secret outrages have invariably followed. Combination is good in itself if wisely directed; it is only to be deprecated when the means it employs and the ends it aims at are opposed to freedom, order and good government. It is, alas! too true that trades unions have often been controlled by misguided men—have aimed at impracticable and injurious ends, and have stooped to intimidation, outrage and crime. In my country, I believe, these evil days are fast passing away. The spread of intelligence, the growth of co-operation, arbitration and industrial partnerships are raising the condition of the workmen, improving the relations between employer and employed, narrowing the area of strife and rendering strikes less frequent and less aggravated. Combination, then, enables the workmen to deal on equal terms with the capitalist. Unfortunately the power possessed by each has been exercised in turns to enforce unreasonable demands on the other, and strikes and lock-outs, in the absence of any controlling or reconciling influences, have been the baneful result. I cannot recall a strike in my experience which has not been attended with material and moral injury to both parties engaged in it. I could enumerate several in which the pecuniary loss has been from half a million to a million pounds sterling, and the moral loss beyond all computation. If I have correctly informed myself you are able to point to examples equally deplorable. (Applause.)

THE EVIL OF STRIKES

will, I think, be so generally conceded that I need not detain you further with proofs. If, in describing remedial measures, I appear to give undue prominence to boards of arbitration I beg it may not be understood that there is any conflict of opinion between Mr. Hughes and myself. I am a sincere advocate of co-operation and industrial partnerships: but he placed his views on these questions so ably before you that it would be detaining you unnecessarily were I to do more than glance at them *en passant*. Co-operation is making rapid strides both in England and Germany, and in proportion to its extension is the condition of the laborer improved and the area of possible strife diminished. Its moral and educational value is immense. No laggard, no drunkard, no dishonest workman will be tolerated as a partner in a co-operative mill or workshop. Mr. Ludlow, treating on this phase of the question, remarks:—"Let this state of things last awhile, and there is literally evolved a new type of workingman, endued not only with that honesty and frankness, that kindliness and true courtesy which distinguish the best specimens of his order wherever they may be placed, but with a dignity, a self-respect, a sense of conscious freedom, which are peculiar to the co-operator." In the spring of last year I presided over a co-operative congress in London, at which the societies of every district of Great Britain were represented, and I can fully endorse Mr. Ludlow's statements. The harmonious relation of capital and labor was so greatly felt in England that four years ago a royal commission was appointed to inquire into the working of trades unions, to suggest any improvements in the laws relating to them, or to the relations between workmen and their employers. The commission consisted of ten gentlemen of great eminence, and was presided over by Sir William Erle, formerly Lord Chief Justice. They sat for two years, and received evidence, not only from all parts of the United Kingdom, but from all quarters of the industrial world; and the conclusions they came to are embodied in this report, from which I will read a few extracts.

The speaker then read some extracts from the report mentioned, favoring the establishing of boards of conciliation, as recommended by Mr. Mundella, inasmuch as they acted as a speedy, safe and simple remedy in all questions in dispute between employers and employes. Those boards required no complication, but provided that certain representative employers and workingmen should meet at regular stated times to discuss matters relative to their trade and business. The lecturer went on to state that there was not a trade in the kingdom in which the system could not be adopted. He explained at considerable length how the boards were arranged, and eloquently described the harmonious manner in which the operations were carried on. As an instance of its efficacy he adverted to the third strike which occurred in ten years in the town in which he resided. The strike lasted eleven weeks. The men who were in work furnished those on strike with money, and it was finally attempted to close the factories and so add to the strike by a general lock-up. A few of the leading men of the town, together with himself, were heartily sick of such a state of things. They resolved to try to put an end to the strike, and to prevent its recurrence in future. The representative workingmen were called together and they were told that they were wasting their time in fighting against their employers. It was then agreed to form a board of arbitration. The question at issue was discussed for three days with a great deal of hostility, when it was at length resolved that a council consisting equally of employers and employes should be constituted. Those gentlemen met in a public room, and all the matters in relation to the dispute were fully discussed. A committee of inquiry, consisting of two workingmen and two employers, was then appointed to make private investigations into all quarrels, and if possible crush them out in their initiative state, and settle them by conciliatory means. Kindness and courtesy were shown on both sides, and after some time a board was appointed, of which he was elected president and a workingman vice president. For ten years that board had met. Occasionally there were some tough arguments, or what Englishmen would call a good deal of "jaw;" but since that board was organized they never had lost a day's labor. The change that had come over the *morale* of the town was remarked throughout England, and the hatchet was so buried that if it were dug up again it was so rusty and rotten it could not be used. They now continued most harmoniously, and the result was prosperity and peace. The speaker pointed out at great length the advantages arising from the system of arbitration, and showed how it was rapidly being adopted all over England. The same system, he argued, could be introduced here, and with like fruitful results as in England. Trades unions were right and legitimate so long as the aim was legitimate, but he doubted whether they were in the right track in this country. Some of the objects here were good, but there were others in the trades unions in America utterly impracticable. It was not legitimate for workingmen to oppress, intimidate or outrage their fellow workingmen. (Applause.) Every man had a right to decide whether he would belong to a trades union, and, as they said in England, it was impossible to convince a man by punching his head. After dilating upon some of the abuses of trades unions he urged upon workingmen the necessity of assisting each other when unemployed, and to ask for such legislation as would restore equality, admit of industrial partnership and protect women and children. All this was in the direction of independence and self-dependence. He argued against what he considered the folly of the eight hour law, and contended that workingmen should be entirely opposed to all sorts of restrictive laws. The eight hour law he thought would tend to raise the price of necessaries and in the end prove a ruinous measure. He favored the system of distributive co-operation and urged the necessity of thrift, industry and independence. He alluded to the war of classes and explained the influence which the present European war had upon workingmen generally. Workingmen suffered most from the present war. He believed it was possible to do something to put an end to the war, and he also believed it could be accomplished by the English-speaking people, scattered, as they were, all over the world. If there could be a board of arbitration constituted all questions of difference, past, present and future, could be settled, and war could accordingly be prevented.

The lecturer concluded by returning thanks for the kindness he had received since his advent in the country. He was loudly cheered and congratulated for his splendid effort.

PERSONALIA.

Queen Victoria and party drove from the Castle to Loch Builig Lodge, Ivercauld Forest, October 26.

The health of the Marquis of Bath has improved so little that his enforced journey up the Nile will be considerably prolonged.

Brigadier General Selby Smyth, commanding the British forces, and Acting Governor at the Mauritius, has obtained the rank of Major General, vice Arbuthnot, deceased.

Wednesday, October 25, General Von Moltke celebrated the seventieth anniversary of his birth. Addresses of congratulation to the famous strategist have been prepared in many parts of Germany.

After a residence of five or six months in Llandudno, Mr. John Bright has, October 29, improved so much in health as to permit of his returning to his home and attending to his affairs. He left Llandudno with Mrs. Bright.

The London *Court Journal* of October 29 says:—"We congratulate Admiral D'Aeth, of Knowlton, and his family, on the gallant veteran surviving another anniversary of the battle of Trafalgar. Admiral D'Aeth was mate of the celebrated line-of-battle ship Bellerophon in that glorious victory."

HEAVY FIRE NEAR WAVERLEY—LOSS NEARLY $20,000.—On Wednesday afternoon last the grist mill, saw mill and three dwelling houses on the south side of the Chemung river, opposite the village of Waverley, belonging to General Westbrook, took fire and were entirely destroyed. Origin of the fire unknown. Loss from $16,000 to $20,000. Quite a lot of lumber and machinery outside of the mill was also burned. The General had $8,500 insurance on the grist mill and contents in the Home, Ætna and Putnam insurance companies. The balance of the property was not insured.—*Binghamton (N. Y.) Democrat, Nov. 7.*

THE COURTS.

More Alleged Election Frauds—Honorably Discharged—A Reformatory Society in Court—Rights of Notaries Public—A Marine Insurance Case—Interesting Railroad Suit—The Law Status of National Banks—Heavy Sentences in the Court of General Sessions.

UNITED STATES SUPREME COURT.

Decisions in Important Cases—The Court Refuses to Reopen the Legal Tender Case.

WASHINGTON, Nov. 14, 1870.

In the United States Supreme Court the motion to restore case No. 7—Deming vs. The United States (one of those cases supposed to involve the legal tender question)—to the docket for hearing was to-day denied, Mr. Justice Swayne delivering the opinion. The Court alluded to the various postponements of the Deming and Latham cases, before the day of dismissal, as matters indicating deliberation and consultation, and noted the date of the issue of the mandate, and he said that, although it be granted that the dismissal was made without Deming's knowledge or consent, still his silence thereafter—being advised of the dismissal, another court remaining in session ten days afterwards—amounted to an acquiescence or ratification. The delay in making the motion, even if matters were as he represented, was held to be fatal. As to the consent of the Attorney General to the restoration of the case, it was said that as the dismissal of the appeals left the judgment of the Court of Claims in favor of the United States in full force they can sustain no prejudice by the dismissal of this motion. The consent of the Attorney General was, therefore, laid out of view as an element to be considered. The motion was addressed to the sound discretion of the court, and all the justices were of opinion that it ought to be denied.

No. 212. *The Steamship Columbia vs. Bunting—Appeal from the Circuit Court for the Southern district of New York.*—This was a case of collision between the Columbia and the propeller Jersey Blue, on the Hudson river, off the Battery, on the 7th of January, 1860. The District Court was of opinion that the collision was occasioned by the attempt of the propeller to cross the bows of the steamer while the former was making way to East river, and the libel was dismissed. The Circuit Court held that the steamer was in fault in attempting to pass between the propeller and the east shore, when there was an unobstructed channel on the other side in a direct course to the sea, and reversed the decree of the District Court. This Court sustained the view of the Circuit Court and affirmed its decree. Mr. Justice Strong delivered the opinion.

No. 210. *De Crys, Lessee, vs. Craig et al.—Error to the Circuit Court for the District of Maryland.*—This is a case of ejectment for the recovery of a tract of land in Kent county, Maryland. The questions presented were upon the admissibility of certain deeds and of a survey, it being claimed that the Circuit Court erred in its rulings and views. The judgment was now affirmed. Mr. Justice Miller delivered the opinion.

UNITED STATES COMMISSIONERS' COURT.

Alleged Violation of the Election Law.

Before Commissioner Davenport.

The United States vs. Edward Sinn.—In this case the defendant, Mr. Sinn, appears to have been more sinned against than sinning. He was election inspector of the Ninth district of the Eighth ward, and is charged "thereby," first, with having closed the polls at six on the evening of the day of election and did not commence to count the votes till nine P. M., three hours later; second, with preventing the supervisor from counting the votes, and third, with refusing to administer the oath to a voter whose vote was challenged. The defendant is surprised at these charges, inasmuch as he could not have acted as charged without the concurrence of his associate inspector, who must be either a particeps criminis or his accuser. The latter he is not. Defendant was bailed in $15,000.

Honorably Discharged.

The charge against Mr. John Garril for illegal voting was one of those proved to be based upon over-officious zeal and ignorance of their proper duties on the part of the apprehending supervisors of election. On examination of the charge yesterday, before Commissioner Davenport, Mr. Garril was honorably discharged.

SUPREME COURT—CHAMBERS.

A Bowery Lager Beer and Concert Garden in Court.

Before Judge Brady.

Society for the Reformation of Juvenile Delinquents vs. Alfred Beers.—The defendant is proprietor of the National Garden, No. 104 Bowery, where lager beer is dispensed and songs sung and dances danced. It is claimed that he failed to pay the annual license fee of $500, and therefore an injunction was obtained from Judge Ingraham restraining him from keeping his place open. This injunction, it is said, he treated with contempt. The case came up on motion to compel payment of the license and enforce punishment for contempt. The case was partially argued, and will be more fully argued to-day.

Decisions.

Before Judge Brady.

Wyckoff vs. Queens County Ferry Company.—Amendments settled.

Alden et al. vs. Cumming.—Order settled.

Miller et al. vs. Weir et al.—Motion denied.

Myers vs. Garrison's Mining Company.—Memoranda for counsel.

SUPREME COURT—GENERAL TERM.

Right of Notaries Public to Deputize Their Power of Protesting Bills of Exchange.

Before Judges Ingraham and Cardozo.

Commercial Bank of Kentucky, Respondent, vs. Joseph B. Varnum, Jr., Appellant.—Messrs. William H. Barkesdale & Co., of St. Louis, Mo., on September 4, 1860, drew their bill of exchange for $10,000 upon the Park Bank, of this city, payable in four months to the order of John F. Darby, by whom it was endorsed to the plaintiff. The draft was sent to the Metropolitan Bank, in this city, and placed by the bank, when due, in the hands of the defendant, a notary public, for the purpose of being presented, and, if necessary, protested by him. The defendant gave the bill to his partner, Mr. P. W. Twiney, who presented it for payment, which was refused. An entry was made in the defendant's protest book, stating that the bill was presented and protested by the defendant, the latter meantime making out a formal protest and reciting in the same that he presented the bill and sending out the usual notices of protest. The drawers of the bill had become insolvent, while the endorser was solvent, who resisted the efforts to collect the bill on the ground that there had been no legal protest, and the courts of Missouri decided in his favor. On the case being tried in the court below a judgment was given for the plaintiff in the full amount claimed. The case was argued at great length. The main question was whether the Bank of Kentucky was an inland or foreign corporation. If the former, it was claimed that Mr. Varnum had a right to deputize any one to present the bill; and if the latter, that it was necessary he should do it personally.

SUPERIOR COURT—PART 1.

Suit Against Marine Insurance Companies.

Before Judge Jones.

James Clark vs. Mercantile Mutual and Manhattan Insurance Companies.—The plaintiff in this action was the owner of the iron steamer Annie, which was insured by the defendants, and which sailed from New York to Savannah, Ga., in August, 1865. When about one hundred miles from Savannah she struck, and was considerably damaged. She then put into Savannah and there stranded. The defendants thereupon employed Captain Bennett, an experienced wrecker, who sent Captain Conkling and a gang of men to pump out and raise her, following soon after himself. As soon as he arrived Captain Clark, the owner, abandoned the vessel to him.

After having a survey made Captain Bennett decided to sell her where she lay on the company's account. He did so, and she brought the sum of $5,000, being bid in by Captain Bennett for the defendants. He then gave plaintiff a due bill for that amount, $3,000 of which was to apply on the insurance and $2,000 to represent his uninsured value. This action was brought to recover this $2,000.

The defendants claimed that Captain Bennett had no authority to purchase the vessel, and as his act was ratified only by the Mercantile Mutual Insurance Company it was not binding on the others. The Court directed the jury to find a verdict of $1,277 45 against the Mercantile Mutual Insurance Company and a verdict of $766 38 against the Manhattan Insurance Company, no verdict being rendered against the Harmony Insurance Company, they having previously settled. For plaintiff, Marsh & Co.; for defendants, Scudder & Carter.

SUPERIOR COURT—PART 2.

A Brazilian Horse Railroad Suit.

Before Judge McCunn.

Burnham vs. Thurman.—Yesterday one of the many evidences of the vast enterprise of American citizens was disclosed unexpectedly in this case. While we reap the benefit at home of inventors, speculators and men of enterprise, we are still nothing loath to allow our neighbors to enjoy equal privileges from the result of American genius. The neighbors in this case benefitted are the citizens of Rio Janeiro. As early as 1860 permission was obtained from the Emperor of Brazil to allow a horse-car railroad to be laid in that city. Matters lay dormant—possibly for want of funds; perhaps from the drain on the Imperial resources in carrying on the Paraguayan war, or from local opposition, as in the case of the George Francis Train London enterprise in the same direction. Eventually, however, a "Botanical Garden Street Railroad Company" was organized in the city, and a Mr. Greenough sent out from here to Rio to push matters along, and after obtaining the necessary grants and permits the line was laid down and work thereon prosecuted with all vigor. On the 9th day of November, 1868, the line was inaugurated and has been in constant operation ever since, and with what success may be judged from the fact that the last dividend declared was at the rate of ten per cent on shares which are only paid up to the extent of twenty-five dollars. To crown the success of the undertaking, the Emperor and Empress of Brazil attended, and their suite opened the line in person, the car which conveyed the imperial party being gracefully draped with the American and Brazilian flags. On the evening of the 9th of November, the day of the inauguration, Mr. Greenough telegraphed to Mr. Spaulding, the president of the line, in New York, announcing the result in the following words:—"Great success; purchase for me all shares you can and hypothecate for yourself." Acting on this news Mr. Spaulding employed the defendant, Mr. Thurman, to call upon the plaintiff, who was known to be desirous of selling the 100 shares he then possessed of the line. The first interview took place on the 11th of November, 1868. Plaintiff offered the stock for fifty dollars a share, but finally offered to take thirty dollars. Three interviews subsequently took place, and on the 14th the sale and transfer was consummated. This sale was sought to be set aside as fraudulent, and plaintiff claimed the difference between the thirty dollars per share and their present value, admitted to be par. Burnham, the plaintiff, swore that he asked Thurman what news they had from the works, and was told there was no information since the last letter previous to the opening of the line, and the contents of which Burnham well knew.

Judge McCunn in summing up drew the attention of the jury to this fact as the only one on which they had to base their decision—that even if Thurman was not acquainted with the receipt of this telegram, on the occasion of the first interview with Burnham, he should have subsequently informed him of its contents when it did come to his knowledge. Verdict for plaintiff $6,000.

For the plaintiff, ex-Judge Fithian; for defendant, Runkle & Englehart.

SUPERIOR COURT—GENERAL TERM.

Interesting Case Touching the Statutes Upon Contracts and Usurious Interest.

Before Judges Barbour, Monell and Freedman.

The Merchants Exchange National Bank vs. The Commercial Warehouse Company.—Cornelius Oakley, one of the complainants, alleges that he pledged with the defendants through storehouse receipts a large amount of tobacco for advances received at short intervals, the latter charging, in addition to seven per cent interest, one per cent commission on each renewal and expiration of storage. Mr. Oakley assigned to his brother his rights in the pledged property and his brother in turn pledged them to the plaintiffs. The defendants sold the goods to recover their advances, amounting to some $57,000, and the plaintiffs sued to recover $100,000, the alleged value of the goods. It is claimed that the contract of Oakley and the defendants was usurious, and the lien, therefore, void. The defendants, in a demurrer, deny the usury, and also set forth that the statute forbids the defence of usury to be interposed by any corporation, which latter point the Judge sustained. The plaintiffs appeal from this decision, urging that the law was passed just after a corporation had repudiated its bonds on the ground that they were sold below par, and, therefore, usurious, and that the purpose of the law was merely to prevent a corporation from repudiating its own contracts as being tainted with usury. The decision was reserved.

COURT OF COMMON PLEAS—TRIAL TERM—PART 2.

The Status in Law of National Banks.

Before Judge Larremore.

National Mechanics' Banking Association of New York vs. Robert Usher, Jr.—This was an action to recover $7,000 upon a judgment which was recovered by the plaintiffs while a State bank, organized under the laws of the State of New York in May, 1865. The bank was changed to a national bank under the act of Congress, and under their new name they bring the action. Defendant sets up a discharge in bankruptcy, under the two-third act. Plaintiff holds the defence utterly void, from want of jurisdiction in the officer to entertain the proceedings under which such discharge was granted. Defendant also claims that under the enabling act of the State, passed March 9, 1865, and the second section of that act, the present plaintiff is estopped from bringing the action. The Court reserved its decision upon the question whether it had the right to adjourn the whole matter to General Term for its decision.

COMMON PLEAS—SPECIAL TERM.

Notice to the Bar.

Judge Larremore announces that lawyers having *ex parte* business before him must be promptly in court and transact the same from ten to eleven o'clock each morning, as he will hear nothing but litigated motions after that hour.

Decisions.

By Judge Larremore.

Howe vs. Moreby.—Injunction granted.

Cavanagh vs. Meehan.—Allowance ordered.

Brockway vs. Moynahan.—Motion granted.

Bell vs. Offner.—Motion denied, with ten dollars costs.

Solomon vs. Summons.—Order for amended return.

Burdick vs. Schmidt.—Motion granted.

By Judge Joseph F. Daly.

Agate vs. Lowenbein.—Findings settled.

MARINE COURT—PART 2.

Important Notice to the Bar.

Before Judge Joachimsen.

During the calling of the calendar yesterday several motions were made to reverse causes by consent of counsel. This practice has frequently been condemned by the Court. Judge Joachimsen, determined to put a stop to the practice, announced that counsel might reserve causes to any time they wished by filing consent with the Clerk of the Court, but that when he found causes upon the day calendar, and no other excuse for postponement than mere declaration of consent of counsel, he would not reserve such cases, but would adjourn them without day, inasmuch as a reservation of such cases was prejudicial to those parties who were ready to go to trial at once.

COURT OF GENERAL SESSIONS.

A Notorious Broadway Pickpocket Sent to the State Prison—The Brooks of Judge Dowling Memory.

Before Gunning S. Bedford, City Judge.

Assistant District Attorney Sullivan appeared for the prosecution yesterday.

William Brooks was tried and convicted of larceny from the person. The particulars of the case have already appeared in full in the HERALD. On the 10th inst., while Mr. S. Whitlock was getting into a South ferry stage in Broadway the prisoner and some confederates attempted to block up the passageway, and in the confusion that ensued Mr. Whitlock detected Brooks in the act of taking his pocketbook, containing $300. The case having been submitted, the jury rendered a verdict of guilty without leaving their seats.

SENTENCE.

Judge Bedford, in passing sentence, said:—Brooks—You are an ex-convict and an old offender. On Friday last, when arraigned before Mr. Justice Dowling, although a period of eight years had elapsed, still he at once identified you. The Grand Jury would have been justified if they had indicted you for robbery instead of larceny. Since you last left State Prison I dare say you have picked a thousand pockets. You have, however, picked one too many. Owing to your professional skill you have thus far escaped justice. To-day the law will lay its iron grasp upon you for the next five years and hold you within the walls of the State Prison.

The sentence of the court was then pronounced in the usual form.

A YOUNG HIGHWAY ROBBER SENT TO THE STATE PRISON FOR TWELVE YEARS AND SIX MONTHS—GARROTERS TO BE SEVERELY PUNISHED.

Thomas W. Moore was tried and convicted of robbery in the first degree, the complainant, August Dowers, testifying that as he was passing through a street near the Williamsburg ferry on the evening of the 16th of October he was seized by the throat and four dollars in money was taken from his pocket by the prisoner, who ran away. He was pursued by an officer and arrested.

SENTENCE.

In passing sentence Judge Bedford said:—Moore, although a stranger in this city, I believe you to be a desperate character. You to-day have added the crime of perjury to robbery. Your case is an aggravated one. You have perpetrated a bold and daring outrage—one, in my opinion, calling for the immediate application of the statute book. The authorities are fully determined at all hazards to put down garroting, and to-day, for the protection of society, I feel it simply my duty to make an example of you in order to warn the rest of your fraternity; for every garroter, on conviction, will receive at least the penalty now about to be meted out to you—twelve years and six months' hard labor in the State Prison.

FORGERY.

Julius Ziegle, who was jointly indicted with Louis Daub, pleaded guilty to forgery in the third degree. He was charged with forging a check for twenty-five dollars on the Bowery National Bank, the signature purporting to have been made by Morris & Sklanck. Ziegle fully exonerated Daub, who simply carried the check to the bank, and was sentenced to one year's imprisonment in the Penitentiary. The other prisoner (Daub) was discharged.

ALLEGED EXTENSIVE LARCENY FROM A WHOLESALE GROCER.

In the afternoon Jacob Glictner was placed on trial charged with grand larceny. The testimony for the prosecution showed that the prisoner was a porter in the employ of Robert Seaman & Co., wholesale grocers in Murray street, and that being suspected of stealing he was watched on the morning of the 24th of June last by a clerk, and in collusion with another man was seen to deliver four barrels of sugar and three bags of coffee. The truck was traced to Forty-fourth street and Eighth avenue, where the property was put in a shanty. Glictner was subsequently arrested, and not only voluntarily confessed that he had been stealing from the firm for a long time, but handed Mr. Seaman two savings banks' books where he had deposited $1,000. The case will be resumed this morning.

BROOKLYN COURTS.

SUPREME COURT—CIRCUIT.

Alleged Malicious Prosecution of the Former Secretary of the African Civilization Society—Action for Ten Thousand Dollars Damages.

Before Judge Gilbert.

Henry M. Wilson vs. Rufus A. Perry and John Flamer.—This is one of the suits which have grown out of the dissensions in the African Civilization Society, of Dean street, near Troy avenue. The plaintiff, Rev. Henry M. Wilson (colored), was at one time secretary of the society, but was expelled therefrom. On the 5th of March, 1869, he was arrested at the instance of the defendants on the charge of having stolen the communion service which he himself had procured from a Fulton street establishment, but for which he did not pay. It appeared from the testimony for plaintiff, that he was in the habit of keeping the service at his own house, and that at an early hour on the day of the arrest—which was several months after his expulsion—he received a note from the defendants ordering him to deliver it to the society. On the afternoon of the same day he sent the service to the treasurer, and was taken into custody that evening. Wilson claims that while in custody he notified the defendant Perry that he had returned the property. The case came up before Justice Lynch, of the Sixth District Court, and resulted in the acquittal of the prisoner, who subsequently instituted this action to recover damages, in the sum of $10,000, for malicious prosecution.

The defence is that there was no malicious feeling whatever in the matter and that the defendants acted under the advice of Justice Lynch, who declared that the case was one of grand larceny. Mr. Perry testified that he thought the Justice was a lawyer and that he would tell them what to do in the premises. It further appeared from the testimony that the service was not paid for only in this way—that the party from whom it was obtained was a subscriber to the society, and they agreed to relieve him from his annual subscription if he would allow them to retain the set.

The jury found for plaintiff, and assessed damages at $2,000.

BROOKLYN COURT CALENDAR.

SUPREME COURT—CIRCUIT.—Nos. 50, 53, 56, 61, 74, 75, 77, 80, 82, 5, 12, 31, 36, 59, 76, 83, 84, 85, 86, 87.

CITY COURT.—Nos. 132, 137, 153, 170, 23, 113, 117, 26, 27, 28, 28½, 29, 59, 60, 61, 108, 177, 178, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201. The equity calendar will be called to-day.

COURT OF APPEALS.

ALBANY, Nov. 14, 1870.

The Court of Appeals will resume the session of their court to-morrow, November 15, with the following day calendar:—Nos. 47, 54, 59, 60, 62, 64, 32, 33, 49½, 48.

WOMAN IN EUROPE.

Lecture by the Rev. Samuel Osgood, D. D.

The Rev. Samuel Osgood, D. D., lectured in the basement hall of St. Anne's Free Episcopal church, West Eighteenth street, last evening, on the subject of "Woman in Europe." The lecture was the first of a course in aid of the Brotherhood of St. Anne's Free church, or rather, in aid of the Sunday school room of the church, where Sunday school, industrial schools &c., are being carried on. There was scarcely standing room in the hall for the large audience, which was composed of the *crème de la crème* of upper society, the fact that the lecturer recently returned from Europe making the lecture especially attractive. Dr. Osgood contrasted English and American women, and considered from what he saw and heard in England that English women believed themselves to be utterly dependent upon men. He recognized a broad difference in the manner in which women were estimated in America by men from that in which they were estimated in England. Passing on to the Continent the speaker glanced at the *demi-monde* in France, the almost beastly manner in which women were treated in Germany and Switzerland, and returned again to his subject by treating of the great strength of body which English women possess, and telling some very amusing anecdotes in proof of the energy which young English women display in bearing the traveller's hardship and in pursuing the tourist's pleasures away from home, and made this matter an occasion to speak of the imitation by American ladies of their English sisters in all that pertains to luxurious effeminacy, while the energetic and healthful exercises are ignored. In alluding to religious matters the lecturer said he had had the pleasure of receiving the Pope's blessing and he was glad to hear had the blessing of a good old man. He admired very much the proficiency which the fair pupils in Catholic convents in Italy and elsewhere attained, though he reprobated a system which confined women within the enclosure of convent walls, as prisoners of the priests. He advised American women to have nothing to do with the Latin races, and to choose their husbands from among American men—a sentence which the audience loudly applauded. In noticing the fact that everywhere in Catholic Europe the Virgin was honored as the Mother of God, and her mild and holy face, with those of other pious women, long dead, but still loved for the virtues of their lives, was to be seen in all the cathedrals and churches, he reasoned that women were capable of a high and lofty sphere of life. He seemed to believe that a union of all the Christian religions is not an impossibility, and that with all the faults of each expunged there might in the future be a religion including a similar worship by every people.

The Rev. Thomas Gallaudet, rector of the church, stood behind Dr. Osgood during the lecture and interpreted to the mutes the lecture as it went along.

THE TWIN CORPSES.

Why They Have Not Been Buried.

The twin children of Ann O'Neil, one of the reputed victims of Thomas Lookup alias Dr. Evans alias Sayers, alias Kennedy, alias Bowers, alias Mott, the notorious Chatham street ghoul, which were born and died in Bellevue Hospital more than a week ago, have not yet been buried, from the fact that Coroner Flynn has not taken the necessary official action in the matter Until an investigation is commenced by a jury viewing the remains, and testimony taken, certificates of death cannot legally be given, and, in the meantime, the bodies are becoming offensive in the extreme and prejudicial to the health of all parties having business at the Morgue. Warden Brennan, of Bellevue, has repeatedly informed Coroner Flynn by note concerning these bodies, and yesterday called at the City Hall to see him in person in relation to them, but without success.

A CHILD KILLED BY ALCOHOL.

Dr. Buckley, of 365 East Tenth street, yesterday morning informed Coroner Rollins of the death, at 510 East Eleventh street, of Thomas Henry Commertoe, a child five years of age, whose death resulted from the thoughtless administration of spirituous liquor. It appears that the uncle of the child made a friendly call on the family, during which, according to custom, he took a social glass of liquid beverage. Unfortunately, the uncle gave the little boy a sip of the liquor, which speedily reduced him to drowsiness and subsequently to insensibility. The doctor was immediately called, but could not restore the child, and death ensued soon afterwards. The matter will be investigated to-day.

A CASE OF CHILD MURDER.

Warden Smythe, of the Lunatic Asylum, Blackwell's Island, yesterday afternoon reported to Coroner Schirmer that the body of a female child had been picked up in the east channel of the East river by men in charge of the Penitentiary guardboat. Around the body of the babe was tied a small rope, attached to which was a pair of large pincers. There is scarcely a doubt but that the infant was murdered and thrown into the water by parties interested in putting it out of the way to hide the shame of the mother. The remains were removed to the dead house attached to the asylum, where an inquest will be held.

TROOPS THROUGH THE SUEZ CANAL.

The British steamer Saida, from Lisbon via Suez Canal, arrived at Macao, August 26. She brings some 250 troops of the line for the garrison, the new Superintendent of Emigration, several officers who came out as reliefs, besides the families of some of the officers stationed at Macao. We regret to learn, says the English local journal, that the daughter of Lieutenant Colonel Leite (the commandant of police), a young lady of about sixteen, died of heat apoplexy during the passage down the Red Sea. The other casualties of the voyage were the loss of two sergeants.

It is supposed that the Saida will return direct to Lisbon, taking cargo for the contingent here and at Macao.