THE GREAT BARNARD INJUNCTION

Argument Upon the Application for Its Modification.

The Court Explains What He Meant to Do and Still Means to Do.

A Raid on Municipal Extravagance and Sinecures.

A hearing of the argument on the application of the Department of Public Works for a modification of the Foley injunction order took place at ten o'clock yesterday morning, before Judge Barnard, in the Supreme Court, Chambers. There was a large crowd in attendance, its component parts presenting the same motley variety of politicians, office-holders and loungers about the Court House as on previous occasions when the same subject was up. The lawyers—the same as have been employed all the way through—were promptly on hand. Mr. Bartlett commenced with

THE OPENING ARGUMENT.

Mr. BARTLETT—Your Honor, in the case of Foley vs. the Supervisors and others, I am here on behalf of the Department of Public Works in support of an application for a modification of the injunction heretofore granted by you in this action. The modification we ask for is one which was ordered by Your Honor on the injunction as it stands, but by some act of omission was left out, not by me, for I was not then counsel for the department. It is a modification in the precise words well selected by Your Honor, as applied to the other departments which are excepted from the effects of the injunction; it is merely that the Department of Public Works "may do that which it is required by law to do;" that the funds may be provided for it which are authorized and required by law to be provided. I conceive that to be a modification eminently fit for the Court to make of its own motion. We have, however, prepared some very brief affidavits, which we will read, and on them rest.

Judge BARNARD—There is no necessity. They are served on the other side, and I have read them.

Mr. LAWRENCE, who opposed the application, then read the following affidavit as a reply to the affidavit of Mr. Tracy, already published:—

OPPOSING AFFIDAVIT.

City and County of New York, ss:—Alfred W. Craven, being duly sworn, says that he is an engineer and occupied the position of Chief Engineer of the late Croton Aqueduct Department from July, 1849, until he resigned therefrom in May, 1868; that while occupying such position deponent became familiar with all the works of the Croton Aqueduct, including its structures, mains and reservoirs, and with the Croton River, its tributaries and water shed; that he had charge of all structures and operations undertaken during the period before mentioned, and of the preparation of the plans and estimates upon which the same were carried out; that the Storage Reservoir, on the western branch of the Croton River (which is alluded to in the affidavit of Edward H. Tracy), was planned and commenced during this period; that, according to deponent's belief, as an engineer, the kind of work required on a structure of this character ought not to be prosecuted during cold weather, and is generally prohibited by express specifications in all such contracts heretofore made by the Croton Aqueduct Board, after about October 1st; that the natural lakes in the valley of the Croton River, referred to in said affidavit, although comparatively of little value as permanent storage reservoirs, are quite available as temporary safeguards in special emergencies, and sufficient in volume to prevent any sudden great inconvenience; and that deponent is wholly unable to perceive any more dangers threatening the city in case the work upon this reservoir is not continued at the present time than it has been exposed to for several years. Deponent further states that in his opinion there is no more demand at present in that portion of the city below Fourteenth street for the additional supply of water intended to be provided for by the laying of the independent 36-inch mains from Forty-second street to Chambers street, referred to in Mr. Tracy's affidavit, than has existed for a number of years past. That the defects in the water system referred to in the said affidavit in regard to the size of the pipes north of Fourteenth street, and the want of proper connections, as well as the necessity of any pipes being laid in certain localities, are all matters which have existed for years; that the work required to supply them is a matter of convenience, and not of necessity, and for which there is no immediate pressure, and that no more danger or inconvenience to the city will be experienced if the work is not continued during this winter than has been experienced for years past; that this is also the case in regard to the pipes connecting the city with the islands in the East River; that the work of replacing the aqueduct between Ninety-third and 113th streets with iron pipes is one designed not to add to the water supply of the city or to remove any danger arising from that cause, but to remove the obstruction to the public which is caused by the embankment upon which the aqueduct is carried; That the prosecution of this work is more likely to make it necessary to suspend the flow of water for a period during the work than to increase it, and is not in any way called for by the necessities of the city for water; in fact, the law requiring this improvement was passed in opposition to the wishes of the Croton Aqueduct Department.

A. W. CRAVEN.

THE ABOVE AFFIDAVIT AS A TEST.

Mr. LAWRENCE—It seems to me that the application, if granted, is virtually a dissolution of the injunction; and if the injunction which Your Honor, after very careful argument before you a month or so ago and after the mature consideration you gave the subject, is to be cut away piecemeal, he might as well make one job of it and dissolve the injunction entirely. One thing is apparent, that every act referred to in Mr. Tracy's affidavit as conferring authority on the Department of Public Works for doing the work mentioned in the affidavit was passed before the Two Per Cent act which, has been the matter of so much discussion. I take the position that in Your Honor's opinion the acts referred to by Mr. Tracy have been repealed by the Two Per Cent act, or if not, there can be no limitation to the department to carry on any schemes or expend any amount of money they may deem fit. Tracy's affidavit refers to four kinds of works. First, the storage reservoir on the west bank of the Croton river. The authority for raising money for the reservoir, he says, is contained in the act passed on the 27th of February, 1871, and amended in April, 1871. These two acts contemplate an expenditure of a million dollars, and I submit unless some controlling necessity exists for that vast sum of money at this particular time on this particular work Your Honor ought not to grant the application. Now, we have the affidavit of one of the most competent engineers in this city or country, who shows that as to that particular kind of work, in his opinion as an engineer and according to the custom and practice of the Croton Aqueduct Department, it would be improper to continue the prosecution of that work after the cold weather sets in. Therefore it seems to me there can be no controlling necessity or particular emergency for the work to go on and the money to be spent, even assuming that it is legally in the power of the Department to call on the Comptroller that it may be expended. Now, I understood that your Honor intervened in this case for the reason that you supposed from the facts before you that the public moneys were being squandered, and that, sitting as a Court of Equity, you deemed it your duty to intervene, until some legislative remedy was provided. Therefore, your Honor will not undo what you have done without a great controlling necessity, which does not exist as to this first kind of works.

JUDGE BARNARD EXPLAINS THE INJUNCTION ORDER.

Judge BARNARD—I cannot tell what the necessity may be until I come to examine the two affidavits and the law, but as you were not present when I made the order, and may not have understood its effect, though it was very fully reported in the papers, I will simply state the object of the injunction was, in the first instance, to

SAVE THE PEOPLE'S MONEY

and to prevent the public Treasury from being robbed in the present or the future by directing attention to the necessity for a change in the Board of Apportionment by the accession of some gentleman in whom the public have confidence, which, in my opinion, has been accomplished. It was to

STOP SINECURE SALARIES,

to the amount of probably two million dollars a year, to men who never came near the Court House except when they call around every month to receive their salaries and to stop payment on bogus judgments and for advertising and printing bills contracted to the amount of several hundred thousand dollars, and to prevent expenditure on the Court House until the community was satisfied it would be done with economy and honesty, and to prevent bonds from being issued without due authority; but it was not to cause hard-working laborers and men depending on their salaries to be put out of employment in consequence of any irregularity committed by public officers. Whether this modification prayed for is necessary or not I am not able to answer at present. If public necessity does not demand a continuation of the works, if the works may be completed as well or better some other time, I shall not give the modification; but if it be shown that to refuse it would prevent the necessary completion of water works for public supply or prevent the Board of Health from carrying out sanitary precautions, or prevent the Gas Board from procuring the light, which is the best remedy, as we know, against the

CRIMES COMMITTED IN DARKNESS,

I shall modify it to that extent, but not for the sake of keeping a gang of men employed without necessity. But if I be satisfied there is a necessity I shall give them permission as long as I am satisfied they are doing their duty to the public.

MR. LAWRENCE CONTINUES THE ARGUMENT.

Mr. LAWRENCE—No necessity exists now more than for the last ten years with regard to these water mains or the removal of the old aqueduct; the latter will not increase the supply, but diminish it while the works are going on. In accordance with Your Honor's views it is proper we should wait until action be taken to see whether the Legislature intended the acts relied upon by the other side were to have the effect contended for. But the modification prayed for in Mr. Tweed's affidavit is too broad and comprehensive in any view. He prays for a modification, so that "nothing herein contained does restrain the department from exercising in its discretion all the powers of raising the bonds required;" in other words, to remove entirely the injunction, as it exists, against the department.

THE JUDGE INSTITUTING INQUIRY ON HIS OWN HOOK.

Judge BARNARD—When the application was first made to me I sent an engineer not connected with the city government, and who lives in an adjoining county, up to Putnam county, to examine the works as to the necessity which exists for their being continued, and he made a report to me. It is not evidence; but there is a disagreement between Mr. Craven and Mr. Tracy and himself. One side may think there is a necessity and the other that there is none; but I sent a disinterested person, who may come to a conclusion of his own. It strikes me that in any event what you read is too broad.

Mr. LAWRENCE referred to the statement in the affidavit that some of the works were done contrary to the wishes of the Croton Board, and said it would be little use to stop small printing contracts if the modification asked for was granted.

Judge BARNARD—

NOT LITTLE BILLS.

The printing and advertising are nearly three millions, if I understand aright.

Mr. LAWRENCE—That is a very small sum in these days. (Laughter.) The whole tax levy was but three millions when I first became acquainted with the city.

Judge BARNARD—Both sides must be present when I make a settlement of the order. I make no accusations of wrong until some person is found guilty. I have no complaints against anybody. But I acted on the papers before me in making the injunction, and I see no reason for changing it.

A JOKE BY MR. BARTLETT.

Mr. BARTLETT, in reply, said that was a Craven affidavit, on which to oppose the application. Some dissatisfied engineer "believes"—not that he knows anything—and he "is unable to see." Now they might have brought a blind man here who couldn't see anything, and it would be quite as much pertinence. He then spoke of the ability and experience of Mr. Tracy, and said that they did not bring a mob behind them on the other side; but they oppose the will of the people of the State, who conferred the powers, from the exercise of which we seek to have the injunction removed. What right has the Court to interpose its will on the papers before it against the will of the State? I believe Your Honor, in common with the majority of the citizens, must have a sincere respect for the head of that department; but, whatever your opinion may be, it can have no effect on your judicial action, for the law placed them there, and until it is repealed it is to be respected—certainly respected by the Supreme Court of the State.

FURTHER EXPLANATION BY THE JUDGE.

Judge BARNARD—I will take the papers and look at the order to see what alteration, if any, is to be made in the injunction as granted, or the injunction order as presented; but I will say, in my judgment, it is impossible for any person to obtain a dollar wrongfully out of the treasury. The gentleman who spoke last misapprehends the original order. It was not to set aside the laws, but to see that they were honestly carried out by the men temporarily entrusted with office; and, in regard to the allegation or suggestion of Mr. Bartlett, that nothing was proved against Mr. Tweed, nothing was charged against him except that he was interested in a certain printing company, which he denied; and it was not claimed that any charge rested against him on that proceeding, except that as one of the Board of Works they were raising money not authorized by law. The Court intended to accomplish what no remedy existed for in law. By its inherent power the Court of Equity has a right to step in and prevent the squandering of public money, to prevent the Governor even or any one else, by an injunction.

AN OLD LAW TO STAND.

Mr. BARTLETT—That is a law which has existed 200 years and no one disputes it.

Judge BARNARD—I have five years yet on the Bench and it has got to stand for that time. (Laughter.)

After the above remark by the Judge the counsel passed up their respective papers for judicial examination and thus terminated the proceedings. It is probable that a decision will be given at an early day.

THE COURTS.

The Alabama and Chattanooga Railroad Bankruptcy Case—Non-Payment of Special Tax—Alleged Fraudulent Bankruptcy—Petitions—Discharges in Bankruptcy.

UNITED STATES CIRCUIT COURT.

The Alabama and Chattanooga Railroad Company.

Before Judge Woodruff.

Messrs. Buckley, Welling & Co., creditors of the Alabama and Chattanooga Railroad Company, filed their petition in bankruptcy against the company in April last. The company pleaded to the jurisdiction of the Court for the Southern District of New York, on the ground that the domicile of the company is in Alabama. This plea was overruled by Mr. Justice Blatchford, who adjudged the company a bankrupt, and the order by which the plea was overruled is now brought before the Circuit Court for revision by petition of review. The petitioning creditors admit the domicile of the company to be in Alabama, but claim that the Court of this District has jurisdiction from the fact that the company has carried on business and had its principal office in this district for the six months next preceding the filing of the petition. They rely on the following points:—In involuntary bankruptcy, as well as voluntary, the petition is properly addressed to the judge of that district in which the debtor has resided or carried on business for the six months, or the longest period during the six months next preceding the filing of the petition. Section 39 of the act must be construed in connection with section 11. The object of section 39 is to compel the debtor to take the benefit of the act. He can be compelled by section 39 to come under the act whenever he is permitted to do so by section 11. (In re. Fogerty vs. Nat. Bank, Reg., 148.) The Supreme Court of the United States by general order in bankruptcy, No. 16, clearly contemplates the entertainment of jurisdiction in involuntary bankruptcy in other districts than the district of the domicile, which will be, under the eleventh and thirty-ninth sections, the district in which the debtor has carried on business for the required time. A commercial or business corporation chartered by a State without a given district, which has had an office and by its agents has habitually exercised any of its corporate powers as a commercial or business corporation, and in the ordinary course of its business for the required time within the said district, has "carried on business" in said district within the meaning of the Bankrupt act. The Bankrupt act is virtually a statute providing that process shall run out of any District Court against any corporation which has exercised its franchises or "carried on business" within the district. Personal service can be obtained by delivery to the agent who habitually represents the corporation in the district, and has been so obtained in this case. It is in evidence in the case that since November, 1870, by express permission of the Alabama Legislature, and by order of its directors, the company has had its principal office in New York, where its President, Secretary and Treasurer have transacted its business and where its Board of Directors has met; that all the financial affairs of the company have been conducted in New York, and goods bought and acceptances made and still owing there to the extent of about a million of dollars. Decision reserved.

UNITED STATES COMMISSIONERS' COURT.

Non-Payment of Special Tax.

Before Commissioner Shields.

The United States vs. Patrick Lynch.—The defendant, who resides at No. 53 Oak street, was held to bail in $500 for examination on a charge of doing business as a retail liquor dealer without paying the special tax required by law.

Fraudulent Bankruptcy.

Before Commissioner Osborn.

United States vs. W. H. & G. S. Rosenblatt.—These bankrupts were charged with having omitted from their schedules, $20,000 drawn by them from their business in the space of three months immediately preceding their failure. The testimony of the government having been completed, showing, among other things, that in the year 1870 the bankrupts used $2,000 per year, while in May and June, 1871, alone they drew $16,000, of which $10,000 was drawn in June, a motion was made to dismiss. The Commissioner denied the motion and required the defendants to enter upon their defence.

A. Blumenstiel for the prosecuting creditors; Joseph Bell and William A. Boyd attorneys for defendants.

Voluntary Petitions in Bankruptcy.

Jacob Aronheimer, Frank G. Bufford, Lee S. Dunn.

Adjudication in Involuntary Case.

John P. Hayden.

Discharges.

Julius J. Valentine, Lewis A. Myers, Harrison D. Hunt Michael Mayers.

COURT OF COMMON PLEAS—SPECIAL TERM.

Decisions.

By Judge Robinson.

In the Matter of the Application of Christ' Protestant Episcopal Church of the City of New York.—Leave to mortgage granted.

Sarah Doll vs. Thomas R. Doll.—Divorce granted to plaintiff and custody of child Helene awarded to plaintiff.

Charles Schloss vs. Mary Schloss.—Divorce granted to plaintiff.

BROOKLYN COURTS.

SUPREME COURT—SPECIAL TERM.

The Fisk-Mansfield Correspondence.

Before Judge Pratt.

The matter of the preliminary injunction obtained by James Fisk, Jr., restraining Mrs. Mansfield and others from making public certain correspondence which passed between Mrs. Mansfield and Mr. Fisk, came up before Judge Pratt yesterday morning for argument. The preliminary injunction was granted on Monday last on affidavit setting forth among other things that James Pooton, one of the defendants, was a resident of Brooklyn. The argument on the order to show cause why the injunction should not be made permanent was not heard yesterday, but was postponed until a decision should be rendered in the matter of a motion in the Stokes-Fisk case pending in New York.

SUPREME COURT—CIRCUIT.

Damages Against a Railroad Company.

Before Judge Gilbert.

Daniel Frawley vs. The Flushing and Long Island Railroad Company.—The plaintiff in this case, which has heretofore been reported, brought suit to recover damages for injuries received at or near Warfield, Long Island. He was crossing the track from his house when he was struck by a train and received injuries which, he alleged, laid him up for seven months. The defence claimed that the accident was caused through plaintiff's own negligence. The jury rendered a verdict in favor of the plaintiff, and assessed damages at $1,500.

CITY COURT.

The Jordan Breach of Promise Case.

Before Judge Neilson.

Emma Mary Ann Jordan, by Her Guardian, vs. Christopher E. Jordan.—The plaintiff in this case got a verdict of $5,000 against the defendant for seduction and breach of promise of marriage. It was claimed on the part of the defence that Christopher was under twenty-one years of age. Yesterday his counsel, Mr. Colt, moved for a new trial on the ground of newly discovered evidence, which consisted of a Bible containing the record of his birth and also certain records of the Justice's Court, showing that the girl stated that the seduction took place prior to the promise of marriage.

Counsel for plaintiff, Messrs. Keady and Moore, denied each and every allegation by counter affidavits, and Judge Neilson took the papers in the case and reserved his decision.

THE RUDD HOMICIDE.

TESTIMONY FOR THE DEFENCE

CHARGE OF RECORDER HACKETT.

The Accused Pronounced "Not Guilty, on the Ground of Insanity."

The trial of William Rudd, charged with killing his wife by throwing her out of a tenement house window in Reade street last May, was concluded yesterday. Previous to the adjournment on Friday counsel for the defence called Mr. George Paddock, who accompanied him to the premises where the alleged murder was committed, and who placed himself in the position which the witness Hume occupied when he swore that he saw Rudd struggling with his wife and throwing her out of the window. Paddock said that it was impossible to see what Hume testified to seeing.

TESIMONY AS TO THE PRISONER'S INSANITY.

The first witness called for the defence yesterday was William D. Harris, a merchant and a member of the Port Society and of the Mariners' church. Knew the prisoner eight years, who was a member in good standing of the church; during the last year, and a few weeks before the killing, the prisoner spoke to the witness about the intemperance and unkindness of his wife, and shed tears while speaking of it; he appeared to speak in a kind tone of her, although he said she was a bad woman.

Samuel Elliott, the missionary of the Mariner's church, said he knew the prisoner for the last six years, and that his character for peaceableness and sobriety was good, but for the last year he noticed a change in his deportment; he sought the advice of the witness respecting how he should act in reference to his wife, who was acting badly, saying that he loved her very much; his conversation was "mixed up" a good deal, and he (the witness) remarked to persons that he believed Rudd was going crazy; Rudd always professed to be greatly devoted to his wife; this was six weeks before the death of Mrs. Rudd; the prisoner complained that his wife did not take care of the house, would not get his supper, was intemperate and took a man to board in the house, in whose room she was locked up all night; when he spoke of his troubles he seemed very much excited and wept a great deal.

Louis B. Dartois testified that he knew the prisoner and his wife since 1866; that his treatment of her was always very kind and gentle, but that she used tantalizing words to him.

John R. Finley, a clerk with Brush & Clarke, said that just previous to the occurrence the prisoner came to borrow money from Mr. Brush to give to his wife; he was excited, sobbed and wrung his hands; the prisoner said to Finley that his wife would give him no peace unless she had money; that she was half Indian and half Irish, and that he believed she went with other men; he spoke of loving his wife very much; of loving the ground she walked on; he seemed to be in great fear of his wife; witness asked him if he was afraid she would kill him, to which he made no reply.

Elizabeth Mulchamp testified that Rudd was a quiet, obedient husband, while his wife was an ugly-tempered woman; on the Thursday before the killing the prisoner and his wife were at the house of the witness; he appeared to treat her kindly, and although she had been away from him for weeks he did not upbraid her; the prisoner was religious, and when he read his Bible or said prayers she would make fun of him; witness on one occasion saw Foley and Mrs. Rudd acting improperly; she would call Rudd insulting names, and tell him to go to hell; at such times Rudd would smile and say nothing.

Annie Martin gave similar testimony, and added that on the day preceding the killing the prisoner came to the room of the witness about fifty times to inquire if his wife had returned, only remaining a moment; she (the witness) remarked that she guessed Rudd would be crazy.

Rev. Dr. Murphy, of the Port Society, testified that Rudd was a member of his church, and that within a year he told Dr. Murphy that his wife was treating him badly; had taken a man into the house to board; slept in his room and refused to sleep with him; he was in a very great state of excitement at that time; on the Sunday evening before the occurrence Rudd visited witness and stated that his wife had left him and gone away with another man, that he loved her very much, and was willing to work his hands off if she would only come back and live with him; he did not want a separation.

George Durfee, who knew the prisoner and his wife, said that some time last March she, in company with the man Foley, came to his house; she said she had left that English spaniel of hers; the witness said, "You are very foolish; it will set the man crazy; he told me he worshipped the ground you walked upon;" she said, "He is crazy already; I don't want to have anything more to do with him."

Thomas Halverson, the sexton of the church of which Rudd was a member, said that sometimes during the last year he would go to church in a raving state about his wife; that she had left him, and that he loved her as his own soul; in February or March he used language which ladies ought not to hear, stating that it was enough to set a man raving mad to have such a nice wife as she was and had not slept with her for nine months.

Edward N. Tailer, Jr., James T. Tailer, Richard B. Baker and James Devlin were examined. The prisoner was in the employ of the Messrs. Tailer for six years, during which time he was an upright and sober man. These witnesses all testified that within the last year a great and perceptible change had taken place in Rudd in consequence of his wife's behavior; he seemed to gradually lose his memory; would sit down and cry for half an hour at a time, and acted in such a way as to lead them to believe that he was acting in a crazy manner; although they placed the greatest confidence in his honesty they took the keys of the store from him and watched his movements.

Drs. Raymon Amble and M. A. Bailey, who had listened to all the evidence given respecting the condition of the prisoner's mind within the last few months, testified that, in their opinion, there was a doubt as to his sanity at the time the act was committed.

SUMMING UP.

Counsel proceeded to sum up the case, Mr. Townsend contending that it was clearly demonstrated that if Rudd threw his wife out of the window he was insane at the time. Assistant District Attorney Sullivan contended that the significant expressions of Rudd after his wife was thrown from the window showed that he knew the nature of the act he committed when he said, "I give in; if she dies I will be hung; if she lives I will be sent to the State Prison."

THE CHARGE.

Recorder HACKETT proceeded to deliver a clear and interesting charge. He said that, assuming the sanity of the accused, the evidence would justify one of the following verdicts:—Murder in the first degre, of manslaughter in the second or fourth degrees, or a verdict of acquittal upon the ground of insanity at the time of the commission of the offence. After defining the various grades of homicide, his Honor said that it would be imprudent for him to comment at length upon the testimony. He would simply group it as appertaining to the question of malice or insanity. The Recorder read copious extracts from his charge in the celebrated McFarland case upon the question of insanity, and in conclusion said that if they believed the prisoner took the law into his own hands to avenge his real or fancied wrongs while in a state of sanity, and with malice, however sentiment for the living prisoner may applaud the act, he is guilty of felonious killing.

The Recorder charged a number of propositions of law submitted by the counsel for the prisoner, after which the jury retired, at twenty minutes past four o'clock, to deliberate upon their verdict.

THE VERDICT.

After being absent fifty minutes they returned into Court and the foreman rendered a verdict of "Not guilty."

The prisoner was so overcome that he wept bitterly.

ACQUITTED ON THE PLEA OF INSANITY.

The jury left their seats and were going from the court room, when the Recorder directed them to resume their seats. They did so, and His Honor asked the foreman if the verdict was "not guilty" on the ground of insanity. The foreman replied that he did not believe the prisoner was in his right mind at the time he committed the act, but he did not know whether he was insane or not at the present time. The Recorder directed the clerk to enter the verdict "not guilty, on the ground of insanity."

Rudd was then discharged.

THE GRAND JURY AND THE "RING" TROUBLES.

It is generally understood that the Grand Jury of the General Sessions has been investigating the complaint against Mayor Hall for an alleged misdemeanor growing out of the "Ring" excitement, from the fact that on Thursday and Friday A. S. Cady, Henry F. Spaulding, William S. Copland, ex-Mayor Havemeyer, ex-Deputy Comptroller Storrs, Jackson S. Schultz and Samuel W. Tilden were seen to be waiting in the room occupied by witnesses summoned to appear before the Grand Jury. No confidence should be placed in the statements of some of the morning journals respecting the testimony given in the complaint against Mayor Hall, for the proceedings of that body are kept a profound secret. It is surmised that the matter will brought to a close on Tuesday.

DENIS DALEY'S DOINGS.

Detective Clapp, of the Central Office, yesterday arrested a man named Denis Daley, alias Denis McCarthy, upon a bench warrant issued by District Attorney Garvin, upon complaint of a young man whom Daley had stabbed one night in August last. Daley was brutally beating a woman in the street, when the other came up and asked him if he did not think the woman had been sufficiently punished. Upon that Daley turned upon the man who wished to interfere and stabbed him in the breast, tearing out his left lung. He was lodged in the Tombs to await trial.

RELIGIOUS INTELLIGENCE.

Services To-Day.

Rev. David Mitchell will deliver a discourse on "Patriotism" this morning in Canal street Presbyterian church.

Rev. Andrew Longacre will preach this morning and evening in the Central Methodist Episcopal church.

Rev. E. C. Sweetser will this evening deliver another of his series of discourses founded on "The Experiences of His Trip Across the Continent."

A meeting in behalf of the New York Infant Asylum, a new institution for the reception of foundlings and abandoned children, and to aid in preventing the crime of infanticide, will be held at the Tabernacle, Broadway and Thirty-fourth street, this evening. Addresses will be made by Rev. Dr. J. P. Thompson, Rev. Dr. H. E. Montgomery and others.

Rev. Dr. Krotel will preach this morning and evening in the Evangelical Lutheran Church of the Holy Trinity.

The Right Rev. John W. Beckwith, Bishop of Georgia, will preach in Grace church this morning and afternoon.

Rev. H. D. Northrop will preach in the West Twenty-third street Presbyterian church this morning and evening. "The Employments of the Future State" will be the subject of his evening's discourse.

Rev. Charles F. Lee will discourse on "Falling Leaves" this morning in the Fifth Universalist church (Chickering Hall.)

Rev. Merrill Richardson will preach this morning in the New England Congregational church on "Man More Precious than Gold." Rev. Dr. Burchard will occupy the pulpit in the evening.

Rev. C. S. Harrower will preach morning and evening in St. Luke's Methodist Episcopal church.

Rev. W. H. Boole will this evening, in the chapel of Beekman Hill Methodist Episcopal church, East Fiftieth street, repeat his discourse against Mormonism, which he delivered in the "Big Tent" in Salt Lake City in the presence of Brigham Young and his apostles.

The New Reformed church, corner of Madison avenue and Fifty-seventh street, will be dedicated to-day. Morning service at half-past ten o'clock, when the pastor, Rev. H. D. Ganse, will preach. Rev. Dr. Ormiston and Rev. Dr. Rogers will speak in the afternoon.

Rev. W. H. Pendleton will preach this morning and evening in the Fifty-third street Baptist church.

"Bishop" Snow will preach in the University, Washington square, this afternoon, on "The Seventh Trumpet Now Sounding—Its Impending Results."

Rev. Moses Hull will speak before the Society of Spiritualists this morning and evening in Apollo Hall.

Rev. E. Flagg will preach this morning in the Church of the Resurrection.

Rev. G. H. Hepworth will preach morning and evening in the Church of the Messiah. Subject for evening—"Are You Alive or Dead?"

Three services will be held in Christ church.

The new Reformed church corner of Madison avenue and Fifty-seventh street will be dedicated to-day. Morning services at half-past ten o'clock. Sermon by the pastor, Rev. H. D. Ganse. Dedicatory prayer by Dr. Thomas DeWitt. Address by Chancellor Ferris. Afternoon service at half-past three o'clock. Sermon by Dr. Ormiston. Address by Dr. Rogers.

Rev. Drs. Thompson and Montgomery and several other well known preachers will deliver addresses this evening at half-past seven in the Tabernacle, corner of Broadway and Thirty-fourth street, in behalf of the New York Infants' Asylum.

A collection will be taken up to-day at St. Peter's church, Barclay street, for the benefit of the Chicago sufferers. The musical exercises will consist of Haydn's Mass, No. 2, in C major.

"An Offering Unto the Lord."

TO THE EDITOR OF THE HERALD:—

Blessed is he that considereth the poor and needy, the Lord shall deliver him in the time of trouble.—Psalms, xli.

Have we considered the cause of the poor and needy? This has been a year of calamities to the world. Have we had sympathy for the suffering? The destroying angel which the Indian saw in the mountains, and remarked "The Big Spirit is mad," has been and is at work. We, as a Christian people, have lacked charity, which is the vital part of true religion. Charity, we are told, hideth a multitude of sins. The greatest of charities is the preaching or teaching of the Word, Bible truths, Christ's cause, the saving of souls from eternal death. To save the body is nothing in comparison to saving the soul from destruction. We have heretofore given, but meagrely, to Christ's cause, the teaching and publishing of the Gospel. Now, will not the Church give an offering unto the Lord, that his anger may be turned into a blessing? G. T.

More about the "Sin of the Age."

TO THE EDITOR OF THE HERALD.

I noticed a communication in Sunday's HERALD, headed "Sin of the Age," and subscribed "Patriot," which, I think, is open to refutation.

The writer assumes that Catholics are more moral and increase more rapidly than Protestants; that this is the result of their religion; and has gloomy forebodings that unless we retrograde in our ideas of worship and embrace Catholicity we shall drift into barbarism, and finally we shall be all either Jews or Catholics.

Now, I dispute every one of his assertions and conclusions. Catholics are not more moral and do not increase faster than Protestants.

Spain, where Catholicism has had undisputed sway for centuries, does not increase as fast in population as Britain, nor does France exhibit the increase of Germany.

The Irish and Scotch, and I may as well include the English and Welsh, increase in about the same proportion. The cause of this is not to be found in their religions, which are different, but lies in the fact that they are essentially the one people.

The Protestant counties of Europe are certainly increasing in numbers more than the Catholic, and as Southern Europe is rapidly discovering symptoms of atheistic heresies the assertion that we shall all be ultimately either Jews or Catholics is based on the too sanguine hope of "Patriot."

The Irish are about the only Catholic people at present who present reproductive vitality in a large degree.

The reasons that Americans do not multiply as rapidly as foreigners are numerous. First, they are as a rule better od pecuniarily, better educated, and therefore have more forethought, and are unwilling to be parents unless their offspring can be happy. They do not multiply with the reckless carelessness of the denizens of the low wards in New York city, turning out thieves, pickpockets and candidates for the penitentiary.

The educated and more refined classes of society in every country obey the same law. It is the indigent poor who multiply in such alarming numbers that unless some such outlet as emigration is obtained Communism finally steps in to regulate things generally.

If human morality and increase were determined by religion, then the doctrines of Fosstivists, who believe that man lives only in his offspring, seems to me the best antidote against abortion and every kindred crime against humanity.

A BELIEVER IN FACTS.

Practical Charity and Practical Christianity.

TO THE EDITOR OF THE HERALD:—

I saw in the HERALD of the 13th inst. an article headed "New York Preachers' Meeting," which the pastors of the Methodist Episcopal churches of the city of New York and vicinity held at 805 Broadway, on the 12th inst. It was resolved that "We recommend the pastors to take collections at their respective churches for the relief of the sufferers by fire in the city of Chicago." Now, without disputing the charity embodied in the above resolution, I would recommend the pastors herein mentioned to give substantial proof to their congregations of their own charities by subscribing something themselves as well as their congregations. Let the pastors first subscribe themselves before requesting their congregations.

In the same column there is an account of a meeting held in Salt Lake City, Utah, which was presided over by Mayor Wells, where Brigham Young, Sr., subscribed one thousand dollars in aid of the same afflicted people.

Who are the best practical Christians—Brigham Young or the Methodist pastors? CHARITY.

WILMINGTON, N. C., Oct. 15, 1871.

Religion in America—Views of the Rev. R. M. Benson of England.

The Oxford (England) *Journal* gives an interesting account of the reception of the Rev. R. M. Benson on his return to England from a visit to America. In the course of his address the reverend gentleman made the following references to his tour and the pious people he came in contact with in this country:—

We had a beautiful passage, at least it was what people commonly call a fine passage across the Atlantic; but not so fine a one as that which brought us back. We got to Boston on a Saturday evening, and so my first sight of it was on a Sunday morning—a very good day to see any Christian city. We went in the morning to the church which we were specially called to serve. The sight really was not a cheerful one. Some churches may be temporary, and yet speak somewhat by their outward appearance of the glory of God to which they are dedicated. I hope our poor little iron church does this in its degree. But this church was as solid as could possibly be and blank in proportion. One thing I believe was perfect about it—it was a perfect square. As you are creatures of imagination, I will leave it with yourselves to imagine the way in which this square space was marked out for Divine worship. I am thankful to say that next year the congregation are going to begin a new church, and a really handsome one. It would be worth our going over to America if it had only been for the purpose of stimulating such a work; but it was not a cheerful prospect to look forward to being all our time in this edifice. And yet, strange to say, this church has been one of the most moving churches of America. It has ever borne about it a sort of inspiration for the saintly founder, Dr. Ansell, who died there some twenty years ago. Of late the work had been dying out, and our society was invited to take charge of it, because it was felt that we could perhaps help toward reviving it, in a way which could not otherwise be done, and God has been very good to us while we were there. It is astonishing how hearty and intelligent an attention the American people give to what one says. They really think it over, and then they go and act upon it. I went speak about congregations near Oxford, but in some parts of the country English congregations are very different. I always found American congregations treated what one said as something of importance, and were anxious to hear more and have matters explained, as if the teaching of Divine truth were really a business for preacher and listener, like any other business; in fact, they have got wearied of those manifold forms of religion based upon the traditions of men with which their country is covered, and they are looking earnestly for some system which really can substantiate its claim to come from God. They feel a real need of the supernatural in religion. Their hearts crave after it, and the forms of religion common among them do not supply it. I had some Bible classes at Boston, which were well attended, and in which I felt myself very great interest. Then, after a few days in New York, I went to the Bahama Islands along with Father O'Neil. There Bishop Venables welcomed us. Of course it was to see him that we went. Many of you who are here know him and love him well. (Applause.) I need not say to you what a delight I found in ministering for even so short a time as one of his clergy. The small islands under his care take many weeks of voyage if one would visit them; but it happened that the Diocesan Synod was just assembled, so that fortunately I saw almost all the clergy. They suspended their session during the week I was there, and we had daily preachings in the various churches of the town. I dare say Father O'Neil, who went with me, will to-night or some other time tell you more about them, for he spent the whole of Lent doing mission work there. I was due in the West, so that I had to come back at once. I was very pleased in passing through New York to form, I may say, the friendship of a delightful man, Bishop Potter. He is singularly adapted for his position; refined and elegant in his demeanor, and large hearted and warm hearted in all his dealings. Of course he is pulled about in all directions by people of all sorts; but he shows one in his truly apostolical deportment that he is simply seeking to carry on the work of God, and lead all to His love. He took me to speak to the candidates for orders at the Theological Seminary under his care, with which I was greatly interested. Then I went to Bishop Whitehead, at Chicago. He once dined with some of us here in Oxford, taking the Bishop's place at the churchwardens' dinner. His city of Chicago is a wonderful one. The people, too, have a very good opinion of themselves out there. They are running a race with St. Louis, to see which will become the largest city in the shortest time. About twenty years ago its population was about 20,000—now it is 300,000. And then, not content with numbers, they were determined to rise in the world, so they raised all their city six feet above the level on which it had been built. They looked very patronizingly on the rest of the world. A Chicagoan was one day being shaved in New York—Americans always get shaved; they cannot shave themselves. Why I do not know, but it is a fact. The barber's shop is an institution. And there in New York was our friend from the West. The barber had accomplished his appointed task, and suggested that perhaps he would like to have his hair cut also. "Thank you," said the Western, "it is long, but I never have my hair cut when I am in the country!" (Laughter.) Most of Lent I spent at Milwaukee, holding services daily in three churches there. This is a large town of some 80,000 people, but the church is now a very low ebb. The people came quite eagerly to my classes. It is curious to see a city like Milwaukee. Two-thirds of it are Germans and Scandinavians. While I was there Mr. Puller, who accomdanied us from London, was holding services at Tenesville, near at hand. I also used to go once a week to a very interesting college some way off at Racine. It is managed by a gentleman of remarkable ability, who stayed with us for some time in Cowley, Dr. De Coven. In fact he asked me out West. A number of the best of the American youth are being trained here, some at school, some at college. We now moved on and visited an institution formed some years ago upon the very crest of the civilized population by Dr. Breck, a remarkable pioneer of the Christian Church, who is now gone further towards California, but many young men are being trained for holy orders in the college. Our next point was Winona, a town on the Mississippi. Here is settled an excellent young clergyman, who once stayed in Cowley. He went on with us to visit his good Bishop, one of the greatest of living men, Bishop Whipple. (Applause.) It was very charming for me to see him in his distant home amid the prairies, forests and waters of Minnesota. He has got a nice little cathedral out there. He has formed a school for boys, with college and seminary combined, and has some of the most learned divines of America working it under him. There was another pressing want. There was no school for young ladies, except the schools in the Roman Convent, which were, of course, undesirable—so he opened for the purpose the Episcopal residence, and a large number of young ladies live with him and his wife and daughters, and receive the most careful education possible. However, what has made him chiefly prominent before the public is his championship of the poor, persecuted red Indians. He has fought their battle nobly and with very great success, and defended them against the outrageous cruelties of the United States government. It was a highly interesting to visit some of the neighboring Indians in their lodges with the friend to whom they all look up with reverence. Our most Western point was when we received from him the kiss of peace at the railway station. And I shall always cherish the remembrance of the one day spent with him. I felt, too, that the visit might not be thrown away, for of course what I said to the young people at the various institutions would have a value far beyond its own merit, from the mere fact of my having come to this remote region from this seat of ancient learning—our dear old Oxford. I shall always value the friendship formed thus with him of whom I have heard so much. We now moved to Baltimore for some of the weeks of Easter, and spent them most happily with those dear people of the sunny South. Their Bishop, Bishop Whittingham, is another remarkable man—a man of great learning