RELIGIOUS INTELLIGENCE.

November 19—Twenty-fourth Sunday After Pentecost.

Schedule of Services for To-Day—Herald Religious Correspondence—Religious Notes, Personal and General.

Services To-Day.

A discourse on "Unseen Help" will be preached this morning in Canal street Presbyterian church by Rev. David Mitchell.

Rev. P. L. Davies will preach this morning in the Berean Baptist church, Bedford and Downing streets.

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

"The Benefit of Different and Differing Denominations" will be the subject of Rev. J. J. White's discourse this evening in the Attorney street Methodist church.

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

Rev. H. D. Northrop will preach this morning in the West Twenty-third street Presbyterian church. A praise meeting will be held in the evening.

Rev. Dr. Merrill Richardson will preach this morning and evening in the New England Congregational church.

Rev. James M. Pullman will preach this morning in the Church of Our Saviour, and in the evening will give the first of a course of lectures on Social Vices, "Gambling."

Rev. Charles F. Lee will preach this morning in the Fifth Universalist church (Chickering Hall) on "The Cloud of Witnesses."

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

Rev. E. C. Sweetser will preach on "The True Road to Success in Life" this evening in the Bleecker street Universalist church.

The second meeting in behalf of the New York Infant Asylum will be held in the Church of the Messiah this evening. Addresses will be delivered by Rev. Dr. Hepworth and others.

Rev. Chauncey Giles will answer the question, "What is Truth?" this morning, in the Swedenborgian church, in East Thirty-fifth street, and in the evening will address the young on "Their Relations to the Church."

Rev. J. L. Danner will preach this morning and evening in the Sixth avenue Reformed church. The evening discourse will be on "Temperance."

Rev. William N. Dunnell will officiate in All Saints' church, morning and evening.

Rev. Dr. Flagg will preach, morning and evening, in the Church of the Resurrection.

Rev. Dr. Bellows will preach this morning a very interesting sermon to young men. His subject will be:—"Only a Lad; or, the Significance of Small Things and Humble People."

Rev. Dr. Smith will preach in Christ church this morning and evening.

Rev. Dr. Ryland preaches morning and evening in St. Mark's church.

Services will be held this morning and evening in Zion's church as usual.

Bishop Snow will talk about "The Rainbow Angel and the Little Book" this afternoon in the University, Washington square.

Mrs. Emma Hardinge Britten will speak before the Society of Spiritualists in Apollo Hall this morning and evening.

Paying for the Privilege of Worship.

TO THE EDITOR OF THE HERALD:—

I notice in to-day's HERALD a letter signed "A Catholic Subscriber." Now, why cannot "A Catholic Subscriber" give his name and address? When a person sends a communication to an influential journal and withholds his name he places himself in the position of an unnatural parent, being ashamed of his own offspring. "A Catholic Subscriber" takes objection to your correspondent "Catholicus" for styling himself a good Catholic. Now it is well known these words are only a set form of expression common among Catholics. Again, he says a good Catholic will not rush into print with a view of drawing odium on his Church; but "A Catholic Subscriber" fails to substantiate the fact that such were the intentions of your correspondent "Catholicus." He simply begs the question, and contents himself by asserting that there is (are) abundant means of obtaining relief. Now, referring to the article in Sunday's HERALD about the Calvary cemetery, the Vicar General uses the following words:—"I decline to give any information on the subject." Where, then, are the abundant means of which "A Catholic Subscriber" speaks? Again, "A Catholic Subscriber" asserts that the only source of revenue for the support and building of churches is the renting of pews. This is contrary to the fact, and if "A Catholic Subscriber" is not aware thereof he should seek further enlightenment on the subject before committing such random assertions to the public ear.

I do not see why "Catholicus" should not make his complaint through the columns of the HERALD. He has a right to do so. Even the Catholic Church in her discipline must be amenable to free thought, and while we bow to her in matters of faith as an unerring, infallible guide, we claim for ourselves the rights and privileges of mannood.

True it is that the five, six, seven and eight o'clock masses are free for the poor, overtasked, overwrought laboring man, but what is the condition of the poor clerks, to which class the writer belongs, finishing his work at twelve on Saturday night, receiving his poor pittance at half-past twelve, his marketing to do on Sunday morning—how can he get up for an eight o'clock mass? Would it not be well to reverse the present order of things and let the elegant, the genteel, the fashionable, the idlers of the six days of the week arise a little earlier and attend the first masses, and by so doing make the poor man's free masses at ten instead of at so early an hour?

JOSEPH BURTON.

BROOKLYN, Nov. 12, 1871.

Another Correspondent's Views on the Same Subject.

TO THE EDITOR OF THE HERALD:—

In your Sunday's issue of the 12th inst. a person signing as "Catholic Subscriber" thinks that a person cannot be a good Catholic who, when imposed upon, lets his ideas be known to the public through the medium of the press. Paying for a seat may seem right to "Catholic Subscriber," but to me it does not. It would be better for "Subscriber" to think that there are a great many poor people living in New York and Brooklyn, too, that are not able to pay for a seat; and, because they have not got the money to obtain that seat, is it right that they should have to stand or kneel in the aisle and become a detriment to others that have to pass by them who have money to pay for their seats. According to "Subscriber" the poor must suffer their misfortune and not complain. Independent of paying for seats, the collection plate is passed around for more money, not excusing the poor. Now, we all know that in a large city like New York, where there are from three to four masses said every Sunday morning, independent of vespers, that each person not having the means to rent a seat in church by the year must be taxed five cents for a seat if he wants to sit down. Now, if all the five cents were added together that is charged for the seats and the yearly rents of the pews likewise, and the money that is given voluntarily at the collections at the different morning masses, were all summed up I think there would be more than sufficient to defray the expenses of the church, and a balance that would be equivalent to the five or ten cent tax which is now charged in most of the churches for the transient seats, which would release the poor to some extent, and give them the privilege of hearing a sermon as well as those that are better provided for. If voluntary subscriptions are not sufficient to defray the expenses of the church I think it would be advisable not to build them so expensive. Again, I say, if the seats are a tax to the poor that are unable to pay for them take them out, and let us all kneel down the same as they do in Mexico and Chile, and other Catholic countries; for there is, in my estimation, a waste of the people's money already. The two large Cathedrals now building—one in New York and the other in Brooklyn—where if the money already expended had been put out at interest or even into smaller churches, or even schools, it would have been doing some good, and there would have been a quick return to the many people that have already subscribed to them—are both pretty much in the same fix. The means have given out, therefore they must stop till the poor have been taxed for a seat, and a sufficient sum raised whereby those two large edifices may be completed. In the next twenty years to come they may probably draw near completion. In that time the amount of spiritual learning that might be preached from smaller churches is now lying dormant, waiting until those who now need it get so bad that they cannot be redeemed. "Subscriber" says that every good and bad Catholic is well aware that at all the early masses, from six to nine A. M., the seats are free, with few exceptions. Now "Subscriber" knows very well that there is no sermon preached at any of the early masses; therefore the poor who do not have the means to procure a seat must stand if they wish to hear the Scriptures expounded from the pulpit, or go home and content themselves by reading their prayer books, and the Word of God must go unexplained to them. When Christ preached His sermons on earth He did not tax the people who came to hear Him, whether transient or otherwise, nor exclude them because they were poor. "Subscriber" says there are a number who attend mass, like "Catholicus," without a cent in their pockets even for the plate. Now I ask "Subscriber" is it requisite to have your pockets full of money, or only half full, when you go to church, or is it a place to worship God, to thank Him for His kind protection during the past week and ask his blessing during the coming week; or are we only called there for what we put on the plate? And, if so, the sooner we have reform and free seats the better for all connected with the Church.

A BROOKLYN CATHOLIC.

Stump Oratory as Distinguished from Christian Preaching.

TO THE EDITOR OF THE HERALD:—

Permit me through the medium of your columns to say a few words in behalf of the church-going Catholic public, whose sense of fitness and decorum was rudely assailed on Sunday last by the very unecclesiastical utterances of Father Ducey, of the Church of the Nativity, Second avenue.

We are aware of the youthful exuberance of strong feeling and consequently of equally strong language incidental to some natures, and should be disposed to forgive its display under circumstances less important, but the time and place chosen for a virulent philippic on the not too choice subject of our city frauds were such on Sunday last that we cannot help protesting most peremptorily against the irreverent misuse made of them. It is a rule of the Catholic Church that the sacrifice of the mass shall not be interrupted for any discourse that does not treat specifically of the mass itself or some portion of it—the Gospel, epistle, or any text belonging to the numerous extracts of Holy Writ of which the liturgy is mainly composed. This rule at once militates against the pulpit becoming a sort of supplementary hustings, where the fanaticism of party feeling is rendered all the more revolting, because it has the field to itself and can defy contradiction from behind the rampart of silence with which reverence and custom protect the officiating minister. A little book, entitled "The Priest on the Mission," has been recently published by a London priest, Canon Oakeley, in which the undue interruption of the mass is deprecated in these emphatic terms:—"For sermons at high mass I think no subject so appropriate as those which consist in clear explanations and practical enforcement of the didactic portions of the mass. Such sermons strike me alike as the most respectful to the Holy Sacrifice itself, whereas by long discussions on alien subjects seem, as it were, to cut the mass in two, partly by their undue length and partly by their tendency to divert the thoughts of the hearer into a new channel" (p. 21). The same writer says (p. 42):—"I think that long sermons, or topics which have no immediate connection with the subject of the day, are out of place in the middle of mass. Besides protracting the mass to an inconvenient length they tend to interrupt its continuity." These words seem to me to condemn all reference, even by implication, to individual reputation, and still more to the official character of public servants of the State. A man may be at full liberty to believe what he pleases about current politics and their wire-pullers, but he certainly is not at liberty to foist his opinions on a congregation who have no desire whatever to be initiated into the result of his private incubrations. Your journal, Mr. Editor, is the great acknowledged medium of reform in all departments of our city life. We, therefore, look to you to secure us the much coveted boon of worshipping on the Sabbath without being helped to the unsavory food of political harangues. I have the pleasure of knowing a few priests, men, in every instance, worthy of love and respect, and who would be the first to deplore the ill-timed zeal so virulently evinced last Sunday by their young colleague. I believe that in what I am saying I am only interpreting their serious convictions. I also believe that no influence could induce nineteen-twentieths of the Catholic clergy to countenance or make use of political pulpit oratory, even for the benefit of the people. They know, better than all others, that the end does not justify the means.

Father Ducey found comfortable justification in referring to the oft-told case of St Ambrose castigating an erring Emperor. I think it need hardly be said that this misquotation is suicidal. In the first place St. Ambrose did not anticipate judgment—he chastised a guilty Emperor, whose criminality was proved beyond cavil, and who was himself repentant. Now, Mr. O'Conor has not yet completed the investigation he has so ably begun, and we know not whether at this or any future stage of the proceedings, the accused parties show or will show any serious sign of repentance and willingness to receive castigation in the humble spirit of the Emperor Theodosius. In the second place, I am not aware that any objectionable epithets fell from the lips of the justly indignant prelate. In the third place, Theodosius was rebuked outside the church, and, what is most to the purpose, not in the midst of divine service. So much for the misquoted authority of St. Ambrose. But apart from the consideration of the unseemliness of interruptions during the mass, a consideration in itself sufficient to restrain unbecoming language during the hours devoted to the most solemn duties of a Christian and a priest, we have a word to say concerning the matter of this surprising address of a young and comparatively unknown speaker. We read in the Acts of the Apostles that when St. Paul had been preaching successfully for two years in Ephesus there arose a tumult among the silversmiths, who, with Demetrius at their head, clamored loudly in favor of the Goddess Diana against the Christian teachers. Was it through any love of Diana and her heathen mysteries? or rather was it not for the very business-like and obvious reason that their trade was being ruined, since "silver temples" and other similar images for the service of the goddess were in danger of attracting no more customers, and of remaining as so much dead loss on their hands? But I suspect that if Demetrius of Ephesus had known that holy water fonts, chalices and other sacred vessels could be made of silver, and that St. Paul and his disciples could afford to pay well for the manufacture of such articles, the indignant silversmith would have been quite ready to transfer his skill to the service of the new religion. Had he reflected that St. Paul's very crozier, which he so dreaded, was a thing quite in his own line; that from the altar railings to the very door metal work could not be dispensed with, it is doubtful of Ephesus would have furnished a stauncher stickler for Saul of Tarsus than this illogical son of Vulcan. Millions of men, young clergymen not excepted, are similarly deceived, especially on religious matters. The liberality with which Catholic interests were treated, and the deference with which old and venerable priests were surrounded by those who have now, politically speaking, gone to their last account is so well known that it has even become one of the handles used against the now disarmed and powerless "Ring." Perhaps the intemperate young orator, whose zeal last Sunday certainly overleaped itself, might have spoken differently had he reflected maturely upon this fact, and the consciousness of it might have made him slow to strike a fallen confederate, or cast water on drowned rats.

I have mentioned the liberality of certain prominent parties to Catholic institutions, not because I approve of such precarious gifts or endorse the conditions upon which they are mutually given and received, but simply because this open-heartedness has long been a patent fact, and we all know that facts have a value of their own. The value of this particular fact is that in order to have the right to abuse a man your own hands should be empty of any gift from him. It is nothing better than cowardice to disavow the favors you have willingly and thankfully received—and even sought—simply because the unlucky donor happens to have got into trouble, and, partly through this very indiscriminate generosity, has come down in the world. Of course in a constitution where material help toward religious ends is not, as it should be, regularly determined by law and perfectly independent of any municipal change of government, it unhappily falls to the lot of religion to be more or less identified with one or other of the political parties of the day. We are not competent either to blame or excuse such proceedings, nor to pronounce judgment upon the contracting parties, who doubtless had their own cogent reasons for their every move. But looking at the position from the outside and in the same light as any ordinary business transaction would be viewed among men of honor, we can say that we do consider it an unmanly thing to denounce one's own benefactors in the hour of their need, however well merited this retributive hour of need may be.

I would also say, by way of conclusion, that it is time our ears were no longer shocked by such unseemly utterances as those of a certain fellow laborer of Father Ducey—a Father Clancy, of St. Joseph's church, who, though but a curate, took upon himself, a few Sundays ago, the task of castigating our delinquent officials. Among the epithets he applied to them—in the presence of the blessed sacrament, let it be remembered—were these "thieves, blackguards and debauchees." Without asking the reverend gentleman whether these are terms worthy of priestly lips it may be doubted whether they are calculated to accomplish the end of preaching. If these words had been uttered on the boards of a certain sensational theatre they might have passed current as refined sarcasm, and have fulfilled the great end of all sensational declamation of "bringing down the gallery." If they had been said of a Hepworth or a Frothingham they might have been deemed a forcible illustration of a style of lecture singularly adapted to that transition stage between "divine service" and a drawing room reunion, which is so convenient to fill up the lagging hours of a Sabbath evening. But launched out, as they were, in the midst of a most solemn ceremony, and flung at hearers perfectly unaccustomed to such ill-timed causticity, they are simply a reproach to the clergyman who was not ashamed to pronounce them. It is said, indeed, that the gentleman's discourse was of quite a vicarious character, he merely having directed the ammunition forged by a reverend colleague. Be that as it may, the undoubted republican bias of a brother clergyman under the same roof with the preacher, gives suspiciously strong ground for thinking that political partisanship, rather than a disinterested desire of true municipal reform, was the fount of inspiration in this instance.

Of course reverend gentlemen are, I repeat it, entirely at liberty to form and hold opinions of their own, and whether their convictions lead them to adopt the principles of one party or of the other is perfectly immaterial to their flock, provided their pastoral duties are faultlessly performed; but we do not ask the priests for the head of the body, which we are quite competent to provide for ourselves, but for the head of the soul, the word of God, the doctrines of the Gospel, which have nothing to do with the election of petty officials nor with the changes at the White House itself. In church, at least, "Let us have peace."

We want to see in our pastors a body of men independent of party trammels, under obligations to no man, doing the work of God with God's instruments alone, and rejecting all extraneous aid which comes with a condition of a *quid pro quo*. Above all, we want a body of men who will speak to our weary minds of heavenly things and eternal truths, and make our Sunday duties a true "spiritual refreshment" to our souls. This cannot be done by thundering into our unwilling ears the thousand reports and second hand denunciations that harass and pursue us through the week, and make us long to fly to a land where politicians are unknown and honesty and charity are more than mere philosophical abstractions.

Your valuable paper, Mr. Editor, which is always arrayed on the side of fair play, and never refuses a hearing to every proposition, will, we trust, be our helper in this matter and our second in this protest.

COLUMBA.

Should Marriages Between Jews and Christians be Encouraged?

TO THE EDITOR OF THE HERALD:—

This inquiry is not proposed with a view of creating unkind feelings between the ancient and the modern chosen people of God. Such a motive should be repugnant to both Jew and Christian; but the motive for making this inquiry is to draw the attention of both people to the calm consideration of the propriety of such unions, for such have occurred of late. I believe that by far the greater majority of Jews and Christians discountenance such marriages; hence I think that I may answer the inquiry in the negative, and lay down the proposition that such marriages should not be encouraged or even tolerated. It is not with these two people as it is with Christians of different denominations, who can be and generally are reconciled in matters of faith, and whose manners and customs are so much alike. With Jew and Christian it is very different. First, what two things can be more diametrically opposed to each other than the faith of the two people? Nothing in this world. The one believes that the Great Messiah has not yet come upon the earth; the other believes that He blessed the earth by His presence more than eighteen hundred years ago. The one believes that when He arrives He will come in the character of a mighty prince, who will restore their ancient Zion, bring all nations subject to this peculiar people, and inflict a terrible chastisement on God's enemies—i. e., on all who are not Jews; the other believes that He has already come, in the character of a meek and humble Prince of Peace, devoid of pomp and power, zealous, not for the things of this world, but for the honor and glory of Him who sent Him. This contrariety of faith might be continued to a great length, but the few points just referred to will serve for the present purpose. Second, a marriage between Jew and Christian must be productive of much discord and misery. One party looks back with complacency to his Abraham, his Isaac and his Jacob; to his David, his Solomon and his Samson; to his Josaphet, his Judith and Joshas; he may not cast a glance into the land of Egypt or of Babylon, but he will not be likely to forget the wonders which God wrought in these countries in his behalf. Now, while the Christian party must admit all these works of God's love in behalf of the Jew, what has he to point out as a special work of the Divine favor in his own regard? Nothing, except the weeping Jesus in the crib of Bethlehem or dying Saviour on the cross of Calvary. How does the Jew relish these marks of divine love? With him they are stumbling blocks and rocks of scandal, which he views with hatred and contempt, while the Christian consort views them, or at least, ought to view them, with admiration and love. Now, when their religious zeal ascends to boiling height, shall the Christian party draw his sword to cut off the ear of Malcus, or shall he sell his divine master for thirty pieces or perhaps less; or shall the Jew erect the cross for the disciple of the Crucified, or shall he, like another Saul, cry out, "Lord, what wilt thou have me to do?" There is no doubt in my mind as to the result. The disciple of the Crucified will deny his Lord and Master. There have been very few Sauls among the Jews since the days of Saul, and the few such marriages we have heard of lately, in each instance the cross was spat upon. It may be, indeed, that neither party will trouble themselves much about the cross or the Pentateuch; but this can hardly be supposed, for we see that through the long series of ages since the angels descended to the earth to sing "Glory to God in the highest" at the birth of His divine Son there have been very few Jews who have renounced the faith of their fathers; and through the eighteen centuries which have just elapsed since the destruction of their nation, their city and their temple, no matter in what country he may have dwelt, he still preserves his peculiarities, his mother tongue, his ancient faith, his hatred for the Crucified—in a word, he is still a Jew. While many other tribes and nationalities have passed away and become blended with other peoples, the children of Abraham still look back to their long lost Jerusalem with a fond hope of again seeing the ancient temple, city and nation restored with greater splendor than before. Hence it is reasonable to conclude that marriages between Jew and Christian must end in the Christian abandoning his or her faith, and at best that they must be unhappy, and consequently that they should not be tolerated.

B. C. M.

The Free Church of St. Mary.

At the Free Church of St. Mary the Virgin, West Forty-fifth street, between Broadway and Eighth avenue, the litany commences this morning at half-past ten, with full choral service. Evening prayer at four and compline (full choral) at half-past seven this evening. St. Mary's is one of the most advanced Protestant Episcopal Ritualistic churches with daily eucharistic service at seven A. M. throughout the year.

Although a free church, depending entirely upon its offertory, it is well sustained, with large congregations, among whom are some of our most respected families.

The Young Ladies' School of the Sisters of St. Mary also worship here, and a magnificent white marble altar is in course of erection within its chancel.

Bishop Dupanloup, of Orleans, France, Upon Primary Education.

M. Dupanloup, the Bishop of Orleans, has written the following letter on the subject of primary education to the *Impartial du Loiret*:—

ORLEANS, Oct. 30, 1871.

SIR—I have read in the *Impartial du Loiret*, of the 29th of this month, the following lines:—"The *Constitutionnel* announces that M. Jules Simon has terminated his labors upon the law of gratuitous and compulsory instruction. The votes of the Councils General being almost everywhere in support of it, that law will, it is said, be brought forward at the opening of the Chamber." Permit me to say that I regret those lines. I do not know how such a subject can be prejudged by the Councils General, the session of which has scarcely commenced, and I do not understand, moreover, how such a question could be settled before being thoroughly examined; for assuredly it is very grave, very complex, very difficult. I desire as much as any one that there shall not be a single young Frenchman nor a single young French woman unable to read and write; and I am the successor of a bishop who, in the seventeenth century, founded at his own expense 200 gratuitous primary schools in the diocese of Orleans. But considerations of more than one kind must be taken into account, and without pretending to develop them completely in this letter there are some that present themselves at the outset, and are of a nature to make serious minds reflect. M. Duruy, who was daring in many things, and was urged by his master in this question, did not dare to settle it, so beset did he find it by difficulties. He had submitted it to the Academy inspectors, and the majority of the inspectors—sixty at least—replied that the gratuitous system did not favor the progress of primary education; that in all cases where the school was gratuitous it was less assiduously frequented. I have before me their reports, which expressly state the fact, and give the reason of the fact. The Councils General in 1867-68-69, But looking at the position from the outside and in the same light as any ordinary business transaction would be viewed among men of honor, we can say that we do consider it an unmanly thing to denounce one's own benefactors in the hour of their need, however well merited this retributive hour of need may be.

I would also say, by way of conclusion, that it is time our ears were no longer shocked by such unseemly utterances as those of a certain fellow laborer of Father Dacey—a Father Clancy, of St. Joseph's church, who, though but a curate, took upon himself, a few Sundays ago, the task of castigating our delinquent officials. Among the epithets he applied to them—in the presence of the blessed sacrament, let it be remembered—were these "thieves, blackguards and debauchees." Without asking the reverend gentleman whether these are terms worthy of priestly lips it may be doubted whether they are calculated to accomplish the end of preaching. If these words had been uttered on the boards of a certain sensational theatre they might have passed current as refined sarcasm, and have fulfilled the great end of all sensational declamation of "bringing down the gallery." If they had been said of a Hepworth or a Frothingham they might have been deemed a forcible illustration of a style of lecture singularly adapted to that transition stage between "divine service" and a drawing room reunion, which is so convenient to fill up the lagging hours of a Sabbath evening. But launched out, as they were, in the midst of a most solemn ceremony, and flung at hearers perfectly unaccustomed to such ill-timed causticity, they are simply a reproach to the clergyman who was not ashamed to pronounce them. It is said, indeed, that the gentleman's discourse was of quite a vicarious character, he merely having directed the ammunition forged by a reverend colleague. Be that as it may, the undoubted republican bias of a brother clergyman under the same roof with the preacher, gives suspiciously strong ground for thinking that political partisanship, rather than a disinterested desire of true municipal reform, was the fount of inspiration in this instance.

Of course reverend gentlemen are, I repeat it, entirely at liberty to form and hold opinions of their

THE COURTS.

Important Question of Jurisdiction—The Erie Railway Litigation—Decisions in the Courts.

UNITED STATES SUPREME COURT.

Important Suit to Life Insurance Companies—The Importation of Shingles From New Brunswick—Charge of Fraud.

WASHINGTON, D. C., Nov. 18, 1871.

No. 270. *Phœnix Mutual Life Insurance Co. vs. Bailey.*—Appeal from the Supreme Court of the District of Columbia.—The object of this suit was to enjoin the appellee from assigning or otherwise disposing of two policies of life insurance, amounting in the aggregate to $10,000, and compel her to deliver them up to be cancelled, because some of the statements made by the insured in answer to the questions proposed to him upon his application for insurance were untrue and fraudulent, and also because the statements respecting the health, habit and physical condition of the insured, contained in the certificate furnished to the company by the appellee (to whom the policies were made payable), were likewise untrue and fraudulent. The life insured was that of Albert G. Bailey, whose widow is the appellee. The misrepresentations and suppressions set forth are that at the time the policy was issued the insured was in consumption, and that both himself and wife believed he was dangerously ill, and both of them suppressed the fact, and represented the contrary. Also, that the insured was addicted to the habitual use of spirituous liquors, and yet both parties denied the fact. The decree below was against the company, and the cause comes here, the defendant in error maintaining that a court of equity has no jurisdiction in such a case, where the question to be tried was whether a representation was false or true, material or immaterial, and also that no fraud was practised. On the other hand it is insisted that the jurisdiction of courts in equity to compel the delivery up to be cancelled of agreements, &c., obtained through false and fraudulent representations, is well established, and that the representations here made were material, and that they were false and fraudulent. The law and the evidence were examined at length by the respective counsel to establish their counter positions. J. M. Carlisle, J. D. McPherson and M. S. Cox for appellant; W. D. Davidge and R. B. Washington for appellee.

No. 271. *Stockwell & Cutler vs. The United States*—Error to the Circuit Court for Maine.—This was an action of debt brought by the United States to recover the amount of forfeiture and penalties claimed on account of alleged violations of the Revenue laws in the importation of shingles from New Brunswick during the years 1863-64, together with the amount of duties claimed to be chargeable thereon. The firm was represented in the business by one of their number, and the Court below charged that his acts bound the firm, and that if he knowingly purchased and received on their joint account the growth and produce of New Brunswick and fraudulently documented them as the growth of Maine, the shingles imported were illegally imported and liable to seizure. The action being a civil proceeding and not a criminal prosecution, the knowledge of one of the firm on these matters is to be deemed the knowledge of his copartners; nor was it necessary for the govenment to show that the other members of the firm had personal knowledge of the facts, they being within the knowledge of the partner. The verdict and judgment were for the United States, and the government here maintain the correctness of the ruling on the evidence and the law as expounded by the Court. The plaintiffs in error contend that the Court erred in holding that a civil action of debt will lie for the United States in such a case under the statute; and that it was error to charge that the knowledge by the defendants as copartners required by the statute was conclusively presumed from the knowledge of their agent being their partner in the transaction. Also that the provisions of the act of 1823, relating to the subject, does not apply to the importers themselves, and that the penalty under the second section of that act is repealed by the act of 1856. H. H. Dana, Jr., for defendant in error; B. H. Preston for government.

UNITED STATES CIRCUIT COURT.

An Important Question as to the Jurisdiction of the Court.

Before Judge Benedict.

In the recent term of the Court a Chinaman, named John Aldo, was convicted before Judge Benedict on an indictment charging the prisoner with having stabbed an American citizen on board an American vessel on the high seas. The prisoner was convicted. On the trial an important question as to the jurisdiction of the Court was raised, and it was to this effect:—A vessel arriving in the Lower Quarantine arrives in waters which are in the Eastern district of New York. The police boat went down there and took Aldo off the vessel in which, it is alleged, he committed the crime for which he has been found guilty, and brought him off to New York, which is in the judicial district known as the "Southern district of New York." There a warrant was issued by Commissioner Shields for Aldo's arrest, and he was put into the custody of the Marshal. The law reads that a prisoner committing an offence such as that laid to Aldo's charge shall be tried in the district in which he is apprehended or first brought. Now, the question arises, in what district was the prisoner apprehended or first brought?

Counsel for the government contend that Aldo was brought through the Eastern district into the Southern district, and there arrested.

On the other hand, counsel for the prisoner maintains that Aldo was apprehended in the Lower Bay, that he was first brought into the Eastern district, and that, therefore, his trial should have taken place in the Eastern district.

Judge Benedict, we understand, intends to write an opinion on the question, which is an interesting one, and it is not at all improbable that Aldo may have a new trial. If the point should be decided against the government, they will have to send all such cases as that of Aldo to the Eastern district for trial; but counsel for the government appear to be confident that the judgment of the Court will be in their favor.

AN UNFORTUNATE COUNTERFEITER.

The United States vs. Jackson.—The defendant had been committed in the last term of the Court for counterfeiting. He was brought down yesterday for sentence. The unfortunate man appeared in court the very picture of melancholy, nay, of almost despair. He seemed to be quite sick. He was remanded, and his counsel will, in the meantime, file affidavits in mitigation of sentence.

UNITED STATES DISTRICT COURT.

The Erie Railway Litigation—The Receiver's Fees.

Before Judge Blatchford.

Quite an array of able counsel were on hand yesterday morning in the United States District Court, before Judge Blatchford, prepared to argue a motion respecting the fees that ought to be paid to Mr. James H. Coleman, as Receiver in the well known litigation of Heath and Raphael, the English shareholders, against Fisk, Jr., Gould and the Erie Railway Company. Mr. W. M. Evarts and Mr. Southmayd represented the English shareholders; Mr. Dudley Field and Mr. Beach were for the Erie Company, and Mr. T. C. T. Buckley appeared on behalf of Mr. Coleman. Had the motion gone on there would, in all probability, have been a "field day;" but the matter went over by consent till Saturday next. Mr. Coleman, it is admitted on both sides, has faithfully, and in strict accordance with the orders of the Courts, whether State or federal, discharged the duties of his receivership, which has been to him throughout rather an elephant on his hands than a paying concern.

Voluntary Petitions in Bankruptcy.

Charles Broom, Lewis Dill, Elihu H. Taylor, Frederick P. Gaudineer.

Adjudications in Involuntary Cases.

Joseph Struthers, William Christal, Charles E. Christal, Jacob Newberger, Simon Stern, Mathias E. Eaton.

Discharges.

Charles W. Burton, Mary Westcott, Joseph Blumenthal.

SUPERIOR COURT—SPECIAL TERM.

Decisions.

By Judge Spencer.

Isaiah Keyser vs. Frederick Goodrich.—Order granted.

Andrew L. Ireland vs. William H. Nichols et al.—Same.

Ann Eliza Herrick vs. The New York Guaranee and Indemnity Company.—Same.

COURT OF COMMON PLEAS—SPECIAL TERM.

Decisions.

By Judge Loew.

Clarke et al. vs. Benan.—Motion to place cause on special calendar of short causes granted.

Pesant vs. McBride.—Motion denied, without costs.

The New Orleans, Mobile and Texas Railroad Company vs. James et al.—Motion granted.

The New York National Exchange Bank vs. Warner et al.—Motion granted.

KINGS COUNTY SURROGATE'S COURT.

Wills Admitted, &c.

Before Surrogate Veeder.

During the past week Surrogate Veeder admitted to probate the wills of Henry Edward Sutton, of Naples, Italy; Thomas Jefferson Parmelee, of Augusta, Georgia, and Frederick C. Holste, Mary Austin, Dorothea Dixon, Lasse Hjousbery, Thomas H. Whitehouse, Jonathan C. Meeker, Ann Ellis, Jane Rose, Georgiana E. Dikeman, John Müller and Francis Glynn of the city of Brooklyn.

Letters of administration were granted on the estates of Thomas Taylor, Margaret Diver, John H. Calahan, Francis P. Dale, John Cunningham, Caleb F. Sanger, John Young, Josiah P. Ransford, Mary Ann Sullivan, Prudence Chesebro, Hugh Victor Keane and George Henry, all of Brooklyn.

Letters of administration, with the will annexed, were granted in the estates of Ann Elles, of Brooklyn, and Henry E. Sutton, of Naples Italy.

Letters of guardianship of the person and estate of Francis and Frederick Kean were granted to Ellen Ball, their mother; of Norman C. and Henry E. Kelley to Ebenezer Kelley, their father, and of Alida P. Minard and Selina A. Minard to Louis E. Minard, their father.

COURT OF SPECIAL SESSIONS.

The First "Keno" Case Before This Court—Summary Punishment for the Gamesters—Judge Dowling Determined to Put a Stop to It.

Before Judge Dowling.

Twenty-nine cases of "A. & B.," "P. L." and "Aband" confronted Judge Dowling yesterday morning on the calendar of the Court of Special Sessions. The initials and abbreviations represent the terms "assault and battery," "petit larceny" and "abandonment." The first two charges are exceedingly frequent, and the last, although by far too common, cannot be said to appear as often as the others. On the calendar of yesterday, however, was one case such as does not often appear in this Court. This was a case in which the proprietors of

A KENO GAME

were arraigned for "running" an establishment at 165 Crosby street. When it was announced that the trial was that of Keno game owners, there seemed to be a general sensation throughout the court room. The crowds on the benches—comprising complainants, police officers, curiosity seekers, loafers and loungers of all sorts—bustled themselves up into good hearing positions, while the prisoners took their stand at the bar. The prisoners were two young men named Judd and Dempwolf, neither of them remarkable for any special traits of character or countenance.

Captain Walsh and two of his officers appeared against the prisoners and testified as to how the raid had been made on the establishment, and that there were some twenty or more men engaged in the delectable occupation of placing common

BUTTONS ON NUMBERS

on cards in front of them, while the prisoner Judd swung a large box on pivots and called out the numbers from the balls that dropped from the box at the end of the twisting. The officers had seen the crowd, the wheel, the money and the men; had never heard of anybody winning anything, and did not know of anybody losing anything at this particular time.

Counsel for the prisoners asked to have the prisoners discharged, as there was no evidence of any "gaming" at which money was lost and won being in progress.

Judge DOWLING interrupted the doughty little defender and said, "What is the use of counsel standing up here to tell a magistrate that there is no evidence, when he has just heard it and everybody in the room has heard it. It is simply trying to insult a man's intelligence to make such a statement."

COUNSEL—Your Honor, the law is very clear——

Judge DOWLING—Yes, so is the testimony. (Turning to the prisoners.) I find you guilty. Now what have you to say why sentence should not be pronounced upon you?

Prisoner JUDD—I've only been in the business a week or two. I never was in it before. I was out of work, and I got a chance at this place to do something to make a living.

Prisoner DEMPWOLF said he had nothing to say.

Judge DOWLING—This game, as far as I can learn, is most dangerous, because young boys and poor men mostly patronize it.

Prisoner JUDD—We never had any boys in there; we wouldn't let them in.

Judge DOWLING—Yes, but if they came in and paid their money, you wouldn't turn them out.

JUDD—We would not let them in.

Captain WALSH—I may say, your Honor, that they were mostly business men from the neighborhood we found in there; men pretty well to do, and I was astonished to see them there.

COUNSEL hoped the Court would take into consideration what Captain Walsh had stated.

Judge DOWLING—Yes, I'll take everything into consideration. I'll take into consideration that the public are crying out against such places as this Louvre. This is the first of these cases that has come before this Court. The parties arrested on similar charges heretofore have been smart enough to elect to be tried at the General Sessions, where they have to go through the Grand Jury and the District Attorney's office, where the papers can be

CONVENIENTLY SHELVED

and no more heard about it. I am determined to break this thing up as far as I can, and in consideration of what has been said I will give the prisoners each six months in the Penitentiary and fine them $250.

At the announcement of the judgment there was a very perceptible sensation and an audible "whew" from several parts of the room.

The other cases were generally of a nature scarcely worthy of publication.

THE CHOLERA ABATING.

No New Cases—Official Report of the Surgeon in Charge.

The patients attacked with cholera on the Franklin and now lying in West Bank Hospital are rapidly recovering, and but one or two are likely to die. No new cases have occurred among the passengers on the receiving ship Delaware. Yesterday Anna Dursing, aged sixteen years, died at West Bank Hospital. The following is the official report of the disease made to Health Officer Carnochan:—

HEALTH OFFICER'S DEPARTMENT, QUARANTINE, TOMPKINSVILLE, S. I., Nov. 15, 1871.

Dr. J. M. CARNOCHAN, Health Officer Port of New York:—

SIR—I have the honor to submit the following report concerning the steamship Franklin:—

The Franklin left Stettin October 10, Copenhagen October 12, Christiansand October 15. There were twenty-two saloon passengers, 611 steerage; in all, 633, with a certified capacity for 660 passengers. They were mostly from Stettin, there being about one hundred and twenty from the other two ports.

The first case of sickness occurred on the 23d of October, after being eight days at sea, and was followed by others until, after the arrival of the vessel at Halifax, on November 5, there had been forty deaths, some of the worst cases dying within twenty-four hours after the commencement of the attack, and the average time of sickness in the fatal cases being about three days.

They left Halifax on the 8th of November and reached Quarantine on the 12th, having had one more death during this time. There were seven cases in the hospital of the Franklin when she arrived here, one of whom died the next day of Asiatic cholera.

Within eight hours of the arrival of the steamship in port the well passengers and part of the crew were transferred to the receiving steamship Delaware, and the sick to the hospital on West Bank. Since then one case has occurred in the portion of the crew left on the Franklin, and from the Delaware there have been sent to the hospital the following cases:—

On Monday.....21 On Wednesday.....14
On Tuesday.....8 On Thursday.....1

Three more have died of the cholera, making in all forty-five deaths, and there are now under treatment with that disease forty patients in the hospital at West Bank.

The condition of the Franklin at the time of her arrival was as good as that of any of the emigrant ships. The provisions were sufficient in quantity and of good quality, and the water in use, which was from the condenser, was good. I examined this by testing it, as there had been reports that the water was bad and had caused the sickness.

The malignant character of the disease was made manifest by two deaths on Tuesday night, both of the persons who were attacked having been apparently well and walking about that evening ten hours before they died. That the disease has not proved more fatal among so many people exposed to it under such circumstances is probably due to the good management on board, which was shown by the absence of panic and the general good condition of those who had escaped the disease.

The agents of this line of steamships—Messrs. Wendt & Rammelsberg—have cordially co