THE STATE CAPITAL.

A Beggarly Account of Empty Benches in Both Houses.

Plots and Plans of the Infamous Erie Ring.

THE SEVENTY'S CITY CHARTER.

Its Probable Fate in the Senate and What Its Opponents Mean To Do.

A Remnant of Ring Legislation Knocked in the Head.

THE SECRETS OF SAVINGS BANKS.

How Secretaries Grow Wealthy and Honest Trustees Are Put Out of the Way.

Adjournment of the Legislature Till Monday Evening.

ALBANY, March 9, 1872.

The folly of the Legislature, for the sake of making a little "reform" capital, attempting to hold sessions on Saturday, was illustrated to-day by the beggarly account of empty benches which confronted the President *pro tem.* in the Senate and the Speaker in the House when the two houses reassembled. There were certainly not over forty members present in the Assembly, and there was hardly a quorum in the Senate. The consequence was that the business transacted was of very little moment. The most peculiar feature about these Saturday sessions is that, in most cases, the men who vote for them on Friday are the very individuals who cannot be found when they are wanted the next day.

THE CHARTER OF THE COMMITTEE OF SEVENTY

is expected to come up in the Senate for discussion next week, and great efforts are being made by its supporters to render its path smooth and easy. Mr. John Wheeler, the Chairman of the Special Committee of the Seventyites, who has been doing herculean work in its favor ever since the session began, is to bring up on Monday a strong reinforcement of "solid men," who will sink heaven and earth (if anything like the former can be found in Albany) to induce the Senate to pass the measure just as the lower House sent it up—cram full of amendments that scarcely one Senator knows anything about. It is generally believed that the Senate will handle it without gloves, and that even if it does pass its best friends will scarcely recognize it. Indeed, it is a well known fact that the Committee on Cities are already very much "mixed" on the subject, and that those of its members who are opposed to the charter are very outspoken in their opposition, while those who favor it, just as it stands, are extremely lukewarm in their advocacy of what Mr. Stern calls its

"SOLID BENEFITS."

Of course there is not the slightest doubt that the charter will be reported by the committee favorably after they will have made a few amendments to it for mere form's sake; but it is pretty certain that they will not endeavor to shoulder the responsibility of adding to it or cutting out of it anything that might give rise to a hue and cry, favorable or unfavorable, from any "reform" quarter. The unpleasant work of amending and "strengthening" the bill they are quite content to leave to the Senate itself, though the task may be entered upon rather reluctantly by the majority, who really do not look upon it with a favorable eye, yet who are afraid—that's the word—to vote against it as a whole; but the "reformers" might place them among those immortal souls who were not born to die—the hirelings of the New York republican factions. It is believed that the cumulative voting clause will be the point against which the Senators opposed to the charter will concentrate their heaviest fire. That and the clause relating to the ousting of the present Board of Aldermen will certainly afford the most bitter of the "rantankerous" opppositionists the most favorable field for a grand display for their tactics and it may be of their knowledge of how easily representatives of the people can fight stoutly for faction's sake, even though all else was lost. Wheeler and his friends understand the situation about as well as any one at Albany, and when the day arrives for the general discussion and the final vote he and they will, no doubt, be found ready to supply its Senatorial advocates with all the technical ammunition they may desire to demolish whatever arguments the believers in Mr. Opdyke's theories dare to advance and maintain.

THE ERIE BILLS,

it will be remembered, have been made the special orders in the Senate for Wednesday and in the House for Thursday. This fact is making the Erie people work like beavers, now that the term of their existence has indirectly been fixed. Ex-Senator Truman has been enlisted in their service and was all day yesterday using his influence with the country members to induce them to stand by the present management. He and those who are doing as he is doing find to their disgust that they have an uphill job of it, far greater than they had anticipated, and the ex-Senator is said to have told a friend this afternoon that "things looked very black." The assaults of the HERALD upon the infamous clique, who are struggling—with desperation a drowning man clings to a plank that he fears will sink with him—to save themselves from the just reward of their past villanies, by endeavoring to kill the Southmayd bill, have had a most salutary effect apparently in the ranks of the "doubtfuls." The black list that they know will be published, with all the necessary addenda, explanatory notes and financial exhibits, has, in addition, exerted a terror which, if the money of

THE SWINDLED STOCKHOLDERS

that has been so abundantly promised by the "Ring" does not prove too powerful for their scruples, will certainly make justice triumphant in the long run. Still, it cannot be said that at present everything looks certain for the success of the Southmayd bill, for there are many members whose present uncertainty about the way they will vote can be measured simply by the number of greenbacks in prospective. Gould and his abettors are to be here next Tuesday, and will spare no pains to be successful, for it is their last throw of the dice, and they know if they lose this time the future may loom up for them with a State's prison not far off in the background. That they will use money as secretly as they can simply to give people an idea that argument and the strong persuasion of facts alone are their only weapons of defence, is already matter of general conversation and:

GREEDY ANTICIPATION IN THE LOBBIES.

They will not—so their plan of operation would seem to indicate—openly, as of old, mark their men so that he who runs may read, but they will, when the day comes for their fate to be decided, send their "friends" to their seats with an innocent smile upon their faces, after their wallets have been well wadded in the dark. Yet there are men in both houses who are watching every move of the Ring and who will be able to single out with unerring certainty the black sheep in their midst, even before the day for voting on the bill comes about; so he who gives way to the Ring's influence had better stand from under; for when the *exposé* does come it certainly will be no idle tale to amuse children with.

A REMNANT OF THE RING.

The Tammany Ring last year did a great many things in the Legislature, as far as Westchester county was concerned, which had the effect of filling their coffers at the expense of the taxpayers of that outside district. One of the most unjustifiable measures they saw fit to manufacture, ostensibly for the good of the county, but really to make hay for themselves while the sun of their power continued to shine, was that of levying $10,000 a year on five towns of the county as compensation for the Ring's charitable work of laying out roads, &c., in and through the towns. The bill which gave the Ring this power was whipped through both houses in the most shamefully hasty manner; and, although the people of two of the towns protested vehemently against it, their representative in the Senate lent his influence to the Ring to give the measure a sort of plausible local support that never existed in reality. It was in vain that every endeavor was made by the people of these two towns, when it became patent that the bill was certain to pass, to have it so amended that some kind of a report should be made to the towns by the Park Commissioners at least once a year. The Ring felt that they had struck a mine in extending their operations from New York to Westchester, and that many of their most troublesome placemen could be made useful by taking contracts in the towns in question. And they did not

COUNT WITHOUT THEIR HOST,

as the result showed. The two towns which protested, as they had not asked for the Ring's gentle rule, were East Chester and Port Chester, and to-day Senator Robertson succeeded in having ordered to a third reading a bill which exempts them from the control of the commission which they were placed under against their will, wishes and welfare. This bill is the first of a series, I understand, which Mr. Robertson has in view for the relief of his county from the trammels put upon it by the Ring, when, in the enjoyment of its criminally gotten power, it plundered the people right and left, and treated with scorn and contempt every rightful claim of the people, so long as the claims of the people interfered with their plans to rob and outrage.

SAVINGS BANKS' SECRETS.

There was quite a lively debate in the Senate over the bill passed in the lower House a few weeks ago, which makes it unlawful for the trustee or director of any charitable or benevolent institution to accept any salary or compensation for his services. The Senate Committee on Religious Societies, which has had the bill under consideration for a week past, reported the bill day before yesterday, with an amendment extending the salary and compensation prohibition to the trustees and directors of savings banks. This amendment was the cause of the debate, which was a very warm one. Senator Woodin distinguished himself by his opposition to the amendment, while Mr. D. P. Wood, who is known to have a great deal of personal interest in savings banks, and Senator Madden sustained the amendment and fought its opponents step by step; but, for some reason or other that was not apparent to everybody, they had in the long run to give way and allow a motion to prevail, made by Mr. Woodin, to strike out the words "savings banks" in the bill. Mr. D. P. Wood was unwilling to yield an inch, even when it became evident that the battle was not to the strong; but Mr. Madden, being anxious to have the bill passed at once, succeeded in bringing him over to the camp of the

"ARMED NEUTRALS,"

who will, when another bill of this same character comes up for consideration, declare themselves in a way that paid trustees will have reason to remember for a long time to come. One of the principal features of the debate, which, by the way, created no small sensation, was an allusion made to the Market Savings Bank. Senator Madden and D. P. Wood declared that the charter of the bank had been so amended a few years ago by the persistent efforts and advisings of the secretary (Conklin) as to give him a power and a control that made his position a mine of wealth for himself and eventually an abyss of ruin for the poor depositors. Senator Madden remarked that he had known the secretary personally, but for all that he did not feel that he was, under the circumstances, acting improperly in stating that this same secretary had actually so managed things as to have a number of of trustees of the bank, whom he considered obstacles in his path,

LEGISLATED OUT OF OFFICE!

The natural result of these statements was that several of the Senators considered it imperative upon themselves to explain how it was that the Legislature often "without knowing what they were voting upon" legislated good men out of office and passed bills that, "when their real aim became known," put good legislators to the blush. They do say that an open confession is good for the soul, and it is to be hoped that this open confession of one of the branches of the Legislature as to the way the people's representatives legislate to make bad men worse and good measures abortive may be good for the people.

THE BEACH UNDERGROUND ROAD.

The Senate Railroad Committee favorably reported upon the Beach Pneumatic bill. This is in accordance with the determination the committee agreed upon last Tuesday, as I informed you in my despatch of Wednesday. It is said that the committee next week will favorably report one of the elevated road projects.

THAT GAS BILL,

which has already been published in full in the HERALD, was again discussed to-day in Committee of the Whole in the Assembly. Mr. Bennett endeavored to so amend it as to make it unlawful for any gas company to charge more than $2 50 per 1,000 cubic feet; but he finally withdrew it to save the bill, owing to the strong opposition manifested against the amendment. Mr. Alvord succeeded in preventing the bill from being made stronger than it is by his objections to amendments that most people think ought to be made part of the law. It was ordered to a third reading.

NEW YORK LEGISLATURE.

Senate.

ALBANY, March 9, 1872.

BILLS INTRODUCED.

To direct the Supervisors of New York to pay $25,000 per annum to the Female Guardian Society and Home for the Friendless.

To enable Long Island City to raise money to support prisoners and for health purposes.

To extend the tracks of the Brooklyn City and Newtown Railroad Company.

To authorize steam towage on canals.

To incorporate the Long Island City and Maspeth Railroad Company.

BILLS REPORTED.

To authorize towns to spend excess of excise moneys.

To authorize female citizens, wives of aliens, to hold real estate.

The Pneumatic Railroad bill was reported.

The Pro Rata Freight bill was made a special order for Thursday next.

The Senate then adjourned till Monday evening.

Assembly.

ALBANY, N. Y., March 9, 1872.

Mr. A. HILL offered a resolution calling on the Superintendent of Banks for a detailed report of the expenses of the department for which the banks are assessed, and to make a particular statement of the amount collected from each bank. Adopted.

A communication was received from

THE UNION PACIFIC RAILROAD COMPANY,

enclosing a resolution, which was adopted, for the appointment of a committee to investigate the facts in the matter of the judicial proceedings instituted against the company by the late James Fisk, Jr., and one Pollard, which obliged the company to remove the office from New York to Boston; also requesting the Legislature of New York to take such action on the subject as may be deemed proper, and that the Secretary of the company transmit to the Speaker of the Assembly of the State of New York a copy of these resolutions under the seal of the company.

BILLS INTRODUCED.

By Mr. MORTON—To improve Myrtle avenue, Brooklyn.

By Mr. BENNETT—Authorizing the New York and Harlem Railroad Company to extend their tracks in New York, for the accommodation of small cars only.

By Mr. SNIPER—Authorizing the city of Syracuse to raise money to purchase steam fire apparatus.

By Mr. HAUGHTON—For additional notaries public in New York.

By Mr. COOK—To incorporate the Metropolitan Contracting Company.

By Mr. JUDD—Regulating the collection and deposit of moneys collected for taxes; also to charter the North Side Savings Bank; also to charter the New Brighton Tin Company.

By Mr. TWOMBLY—To charter the Coal Exchange.

By Mr. ALVORD—To authorize the trial of certain gates on locks of canals, so as to facilitate steam towage.

By Mr. SNYDER—To authorize attorneys-at-law to perform certain duties of notaries public.

By Mr. HUSTED—Relative to

PRIVATE ASYLUMS FOR THE INSANE.

It provides that no association, person or company, unless authorized by law, shall keep or detain for compensation any lunatic or person of unsound mind for more than fourteen days, except on application in writing to the State Commissioners of Public Charities for a license, when the Commissioners shall investigate the application and grant it if they see fit. The Board of Commissioners shall make all necessary regulations.

Also a bill to amend the Life and Health Insurance incorporating act. It authorizes the investment of funds in bonds and mortgages on unencumbered real estate worth fifty per cent more than the sum loaned thereon, or in United States stocks and stocks of States and cities in the United States if above par.

Also a bill to abolish capital punishment and to substitute imprisonment for life.

The following resolutions were introduced:—

By Mr. HAWKINS—That the Committee on Cities investigate the charges of fraud against

THE DEPARTMENT OF PUBLIC WORKS,

Tax Commissioners' office, Surrogate's office and Street Improvement Department in New York, and also the charges against the Water Commissioners of the city of Brooklyn. Owing to there being a thin House Mr. Alvord rose to debate so as to have the subject laid aside for future consideration, which was agreed to.

By Mr. ALVORD, that

THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD

Company report the sums levied on and paid into the treasuries of its different companies by the several stockholders thereof; the names and capital of the companies now represented by said company; amount actually expended on the property of said companies from the amounts so received; amount actually levied on and paid into the treasury of said company by its stockholders since its organization; amount and per cent of the annual dividends paid to the stockholders since the roads were put in operation; amount of the surplus earnings of said company placed to the construction account and becoming part of their indebtedness; and other inquiries of a like nature. The resolution was laid over under the rule.

Mr. MACKAY offered a resolution calling on the New York Central and Hudson River Railroad Company to report the number of palace and drawing room cars run on said road; the number of passengers riding in the same during the past year; the total sum received from; the names of the company owning the same, and various other like inquiries. Laid over.

On the motion of Mr. J. H. BABCOCK the Committee on State Prisons were directed to make inquiry of the chaplains of State prisons whether they have furnished each convict with a Bible and hymn book, and also inquire of the State Treasurer whether the amounts appropriated by the Legislature for this purpose have been called for, and by whom.

By Mr. J. D. BROWN—To amend

THE PUBLIC INSTRUCTION ACT.

It provides that in proceeding to define the boundaries of school districts the necessary expenses shall be a town charge; and when a School Commissioner shall pronounce a school building unfit he may state an amount not exceeding $1,200, instead of $800, as now, to build a new one; allows a trustee $1 50 for each day's full time in discharge of his duties; requires teachers to attend the Teachers' Institute, and those who do not attend and fail to furnish a sufficient excuse shall be denied license; extends the provisions of the law to punish persons for interrupting schools to the Teachers' Institute.

The House went into Committee of the Whole on the bill to regulate the fees of justices of the peace, constables and jurors.

Mr. WOOLSEY explained the object of the bill. It was to fix a uniform rate of fees, so that they will not be subject to alteration by Boards of Supervisors. After a long discussion the bill was ordered to a third reading. The same committee took up the bill to regulate

THE MANUFACTURE AND QUALITY OF GAS.

Mr. BENNETT moved an amendment that no company in New York or Brooklyn shall charge over $2 25 per one thousand cubic feet to the city authorities and $2 50 to private citizens. He said that the Commissioners of Emigration had been able to make gas at a cost of $2 50 per thousand cubic feet, whereas the gas companies charge $2 75, and sometimes $3.

After further discussion Mr. Bennett withdrew his amendment so as to save the bill, which was then ordered to a third reading, and the House adjourned till Monday evening.

THE BULLS AND BEARS.

Examination in the Case at Jefferson Market Yesterday—A Transaction in Reading Stocks.

The examination in the case of William J. Heath, the Wall street broker, charged with having committed perjury, was continued at the Jefferson Market Police Court yesterday, Assistant District Attorney Sullivan appearing for the prosecution and J. D. Townsend for the defence. The pleadings in the case taken before the referee in the civil suit were offered in evidence and accepted. Mr. White, the complainant, was first placed on the witness stand and testified as follows:—

I am complainant in this case; I was present at the hearing held before a referee in the civil suit; heard Heath's testimony; saw him sworn; he was examined by his attorney, Mr. Smith; heard him testify to going into the office of Marvin Bros., Exchange place, on the 15th of July, 1870; he testified to not being present in Marvin's on the 16th of July, 1870; he had a conversation with W. S. Woodward and myself, which he testified to not having; Heath stated he wished to see us in reference to

YOUNG'S STOCK IN READING BONDS;

I suggested we should sell some of the stock, as we had orders for the stock; he said, "I am a child in the matter of stocks, and want you to be my guardians;" the question arose as to whether we should make him stand good for Young's loss; he replied he had a contract; I replied that my coming into the transaction had helped them; he wanted us to sell outs when the margin was up and purchase when it was weak; he and we expected it would come aroundd all right; he stated if he lost his money in the stock he wanted us to give him $10,000 to start business again; he said he had a capital of $100,000; I agreed to stand all the loss up to $270,000; there was nothing said in reference to each of us carrying one-third of the stock; Heath said

YOUNG HAD DECEIVED HIM

in reference to the stock, which was the way he came to get in his debt; Heath agreed to take up and make good for Young's loss on his (one-third) share of the stock; Heath said to us "I will hold you responsible for the loss;" Heath said he would not have given Young as much credit as he did but for us; Heath sent to me on the 15th of July 7,600 shares of stock, making 27,600 shares in my possession at the time; it was 200 shares more than my one-third; he sent one-third to Marvin Bros.; the other remained in the house of Heath & Co.; on the 16th of July I loaned Heath $95,000 on his share of the stock; Heath asked me to lend him money to carry his stock through, as Young's failure had hurt his credit on the street; I lent him on 21,000 of the same stock on the 22d of July; these loans made to Heath & Co. were stock he was carrying; on the 15th of July, 1870, Heath sent for me and

TOLD ME HIS BANK ACCOUNT WAS SHORT

about $8,000; he stated he could give me a dividend in the Reading Railroad as security for a loan; I advanced him $10,000 and took the dividend, which was paid to me; on the 23d of July Mr. Heath notified us in writing that he held us responsible for the indebtedness of the account; I came from Saratoga on the 25th of July and informed him that I could not carry the stock for them any longer; on the 26th of July I sold out 71,000 shares of Reading for Heath & Co.; on the 27th he rendered me an account (account produced); on July 18 I had a conversation with Heath and told him I had disposed of a number of shares of Reading and purchased it back, by which transaction I realized $10,000; he seemed very much pleased at receiving the information; on July 18 Heath requested me to send him 16,000 shares of Reading.

Cross-examined—William Heath was sworn in a civil suit before a referee in July, 1870; I heard the testimony; there were several others swore for the defence and prosecution; the referee gave a judgment against the defendants; think it was for $125,000; don't think Woodward or Young are responsible for that amount; I am, and expect to pay it; I understand, if this complaint of perjury against Heath proves good, his testimony in the civil suit will be invalidated; I was sworn and examined in 1871; think it was in August.

The examination was adjourned till Thursday afternoon.

THE CAR HOOK MURDER.

Another Effort to Save Foster from Hanging—Motion for a Stay of Proceedings Before Judge Barrett of the Supreme Court—Decision Reserved.

A motion was made yesterday before Judge Barrett in the Supreme Court Chambers for a stay of proceedings in the case of William Foster, so as to allow the same to go to the Court of Appeals. In May last, as will be remembered, Foster was convicted of murder in the first degree for the killing of Avery D. Putnam with a car hook as the latter was leaving a Broadway car at the corner of Twenty-sixth street. Judge Cardozo, before whom he was tried, sentenced him to be hanged on the 15th of July. Application was immediately made to all the Judges of this district for a stay of proceedings to enable an appeal to the General Term, which application was refused. Judge Pratt, of Brooklyn, however, granted the stay, and an argument on the appeal to the General Term was heard before Judges Ingraham, Barnard and Brady. The Court refused to grant a new trial, and Foster was re-sentenced to be hung, the 22d day of this month being named as the day of execution. Mr. M. C. Bartlett and ex-Judge John K. Porter appeared for the motion and District Attorney Garvin in opposition. Foster was not present, but the court room was crowded, and the argument of the various counsel, lasting some two hours, was listened to with deep interest. Pretty much the same line of argument was followed as at the hearing before the General Term Judges.

Mr. Bartlett made the opening argument. After reciting the facts of the homicide he insisted that Foster was brought to trial with inconsiderate haste. The only fact he insisted upon in which there was any vital difference was the intent with which the blow was struck. Judge Cardozo, he contended, by his rulings, deprived Foster of his constitutional right of trial by jury, and he insisted that he was still entitled to a trial. He enlarged on the statutes regarding felony and the difference between murder in the first and second degrees. If Foster was hung it would be, in his view, nothing more nor less than judicial murder. He concluded with reviewing the written opinions of Judges Ingraham and Brady in the case.

District Attorney Garvin recited the facts of the homicide, but with a different interpretation from that of the prisoner's counsel. He cited various similar cases, very many of them to be found in the English law reports, and claimed that upon the facts Judge Cardozo was legally bound to charge the jury as he did and the jury to find the verdict they did. It was very natural Foster's counsel should make every effort that lay in their power to save his life, but a plainer case of deliberate murder, he urged, was not on record. He defended the judgment of the General Term, and insisted that the same should be final, and that the majesty of the law should now be fully vindicated in the hanging of Foster in accordance with the magnitude of his crime and his deserts.

Judge Porter concluded the argument. He characterized Judge Cardozo's charge as monstrous. Foster's act, he claimed, was only a felony. He reviewed some of the cases cited by the District Attorney, giving them a widely different interpretation from the latter gentleman. He also referred to the statutes regarding deadly weapons and their applicability to Foster's case. He urged that the General Term Judges had erred in their judgment, and expressed it as his conviction that if an opportunity was granted them to take the case to the Court of Appeals the latter Court would, without hesitancy, grant a new trial.

The Court took the papers, reserving its decision.

THE COLUMBIA GOVERNMENT STRIKE.

The Stonecutters Who Have Struck on the Ten Hour Question to be Dismissed Altogether—New Men to be Taken From the North to Complete the Government Buildings.

COLUMBIA, S. C., March 9, 1872.

Superintendant Kingsley, having in charge the new Post Office and other government buildings, and who recently demanded that the stonecutters should work ten instead of eight hours a day, has to-day notified these men that the authorities in Washington demand a compliance with his orders, and that the "ten hour service" is necessary.

It is understood that none of the strikers are to recommence work; hence Kingsley has sent North for additional men. The strikers have warned their foreman that any new comers will be resisted to the utmost, and will not be allowed to work on the buildings.

THE GUILFORD ESTATE.

BALTIMORE, Md., March 9, 1872.

"Guilford," the beautiful McDonald estate, a few miles from this city, on Charles street avenue, was purchased yesterday at private sale by A. S. Abell for $475,000.

BROOKLYN COURTS.

SUPREME COURT—SPECIAL TERM.

The Pacific Mail Steamship Company in Court—Directors Charged with Speculating in the Stock of the Company—An Injunction Applied for and a Reference Made as to Plaintiff's Solvency.

Before Judge Gilbert.

Luther C. Challis vs. The Pacific Mail Steamship Company and A. B. Stockwell, James D. Smith, H. H. Baxter and Others.—Plaintiff brings suit in behalf of himself and all the other stockholders of the Pacific Mail Steamship Company, of which the defendant Stockwell is President and Director; another defendant, Mr. F. W. G. Bellows, Vice President, and a third defendant, Mr. C. A. Abercrombie, Treasurer. On Tuesday last Judge Gilbert issued an injunction enjoining the directors from speculating in their own stock, but the injunction was subsequently dissolved. On Wednesday the plaintiff in this action obtained an order for defendants to show cause why such an injunction should not issue, and the order was made returnable yesterday afternoon, at one o'clock, when the case came on for argument.

Mr. Challis' complaint in this action sets forth that he has been for some time past, and is now, a stockholder in the company, being owner of 400 shares of its capital stock; that said company was chartered and incorporated "for the purpose of building, furnishing, fitting, purchasing, chartering and owning vessels to be propelled solely or partially by steam or other expansive fluid or motive power, and to be run and propelled in navigating the Pacific Ocean, and also purchasing, owning and navigating such auxiliary sailing vessels as may be necessary to provide fuel or other necessaries, and that no other powers or franchises were given to or are possessed by said company, except such as are incidental and necessary to said purposes. That prior to November 15, 1871, a surplus fund of over $3,000,000, the property of said company, had been accumulated, reserved and held ready to meet

ANY EXTRAORDINARY AND UNFORESEEN EMERGENCY

in the affairs of said company, such as the loss of steamers, liability to shippers, &c. That the possession and preservation of said fund are indispensably essential to the business and operations of said company, and prior to said date said fund had been invested in government securities, so as to be intact, exempt from hazard of loss and ready to meet any emergency. That after the administration of said company came under the control of the individual defendants they withdrew said fund from said investment and omitted and neglected to invest said fund in any safe or proper security, but, on the contrary, and in violation of their trust and duty as officers and directors of said company, for the promotion of their individual interests, they are now using said fund in making loans on the security of the stock of said company and in discounting paper and in transacting other banking business, and in speculations in stocks and otherwise, and in operations with the intent and effect of causing sudden and violent fluctuations in the market value of the stock of said company, and that such use and employment of said fund are not only

A BREACH OF TRUST,

on the part of said defendants, and a misappropriation of said fund for their personal emolument, but also beside and beyond the corporate powers of said company, and contrary to its charter and to the laws of the State; that by such use and employment said fund is diverted from its proper and legitimate object, is exposed to the hazard of diminution and loss, and the solvency, and security and corporate business of said company are subjected to sacrifice and ruin; that the whole of said fund is now employed and expended in said improper and unlawful uses and enterprises; that said fund, or so much thereof as is on loan, and otherwise unappropriated and employed, as above set forth, is subject to the call of the defendant, and may be drawn in at any moment; that said individual defendants threaten and intend to persevere in the misappropriation of said fund, whereby the safety of said fund, the operations of said company, and the interest of the plaintiff as a stockholder therein are and will be incomparably injured and exposed to

ABSOLUTE RUIN,

wherefore plaintiff demands judgment. First, that the defendants be restrained and enjoined from loaning said surplus or reserve fund, or any part thereof, and from using, employing or expending it otherwise than in the prosecution of the legal and legitimate business of said company; secondly, that the defendants be directed and compelled to call in and collect any and all of said fund that may be out on loan or otherwise employed and invested, contrary to law and the duty of said defendant, and to invest the same under the direction of the Court, and, thirdly, for such order and further relief as to the Court may seem just."

THE DEFENCE.

In reply Judge Nelson submitted Mr. Stockwell's affidavit, which sets forth that 400 shares of the stock were on the 2d and 4th of March transferred to the name of the plaintiff, for the purpose of bringing this action, and that he is not the real owner of the stock, and shows that a surplus fund of $3,000,000 had been accumulated and invested as follows:—

Cash in hand and call loans	$690,410 34
Time loans	242,100 00
$595,000 U. S. 5-20 bonds	981,067 34
$775,000 U. S. 10-40 bonds	838,025 00
$100,000 U. S. 5 per cents, new	100,000 00
Cash in hands of agents and persons	200,903 37
Total	$3,052,506 05

It is denied by the directors that they have used the funds of the company in any of the methods stated in the morning papers, or that they have appropriated any of them to their own personal enrichment, and state that they are now having built four steamers at the expense of $2,000,000; that when they were elected directors, in November last, the stock was selling at forty-six and forty-seven on the dollar, and at present it averages sixty-one to sixty-three.

It is further alleged that not a dollar of the funds of the company has been lost since the defendants held control, and that, when it became known that an injunction had been issued, the stock depreciated upwards of three per cent, and when it became known it had been vacated within one hour it advanced three per cent, and the knowledge of this pending application depreciated it about two per cent. Judge Nelson also submitted four other affidavits by directors, including Henry Clews, corroborating the President's statement. He then introduced two other affidavits asserting the utter insolvency and irresponsibility of the plaintiff, and that he was not entitled to credit even under oath; and when asked his intention last night in regard to Pacific Mail, he replied, "Put it to forty." Judge Nelson contended that plaintiff was not entitled to the equitable consideration of the Court. The stock had been bought by him for the purpose of bringing this litigation, and he was not using the Court for a good purpose.

Counsel for plaintiff was surprised by the affidavits presented against Mr. Challis. He said they were wholly false, and he was prepared to prove that Mr. Challis bore the most unimpeachable character; that he owned stock since November last, and is worth at least $500,000. He asked a reference to investigate his character. The question was, have these men the right to speculate with these stocks in Wall street? It was charged that they had loaned money upon their own stocks to other directors. Was that within the scope of their power? On the 15th of December last in one lump they loaned to one of the directors $350,000, and that director was notorious as a stockjobber and speculator.

Judge Fullerton wanted a reference, and applied for an injunction meanwhile, but Judge Gilbert did not think that they were entitled to that, for it would be practically misjudging the case.

Judge Fullerton said that defendant did not deny the allegations that it was wrong to loan the stock to the directors. The directors were charged with doing that, and he did not think it would be prejudging the case when they came in and confessed their guilt.

Some further argument ensued, after which Judge Gilbert denied the injunction meanwhile, but appointed John S. Lawrence, of New York, referee, to take testimony as to plaintiff's respectability and solvency on Saturday next. The case (the original motion) was then adjourned until the 20th inst., at noon.

CITY COURT.

The Westfield Disaster—A Jury in the Widow Madden's Case that Did Agree—$5,000 Damages.

Before Judge Neilson.

The third trial of the suit of the widow Madden against the Staten Island Railroad Company for $5,000 damages for the loss of her husband, who was one of the victims of the Westfield explosion, was concluded yesterday afternoon. It will be remembered that the juries on the two former trials failed to agree.

The third trial occupied three days. Yesterday morning, all the evidence having been submitted, Mr. Dickerson addressed the jury on behalf of the company. Samuel D. Morris, ex-District Attorney, followed for the plaintiff, and Judge Neilson delivered his charge to the jury. It was similar to his previous charges in this case.

The jury were out a comparatively short time, and returned a verdict in favor of plaintiff for the full amount claimed.

MAN MISSING.

Strong Suspicions of Foul Play in Westchester County.

At Mott Haven, Westchester county, speculation is rife as to the probable fate of a young man named William H. Waters, whose mysterious disappearance has occasioned the most gloomy apprehensions among his friends. During the month of January last, Waters, who carried on the business of a grocer at the above-named place, was burned out while having an insurance of $4,000 on his stock. On Wednesday, February 28, he left his boarding house, in North New York, with the avowed intention of going to the city for the purpose of receiving his insurance money, which, it is understood, was about equally divided in the Adriatic, Merchants' and Humboldt Insurance companies, and has not since returned. As the missing man was of a steady, industrious turn of mind, and as no cause can be assigned for his disappearing voluntarily, it is strongly suspected that he has been foully dealt with. All efforts to discover his whereabouts have up to the present proved futile.

THE JUDICIARY INVESTIGATION.

The Charges Against Judge Barnard.

EXAMINATION OF WITNESSES.

The Use of Subpœnas—The Illegality of Some Charges—Adjourned Till Friday.

The investigations in the charges against Judge Barnard still occupy the attention of the Judiciary Committee; but thus far Messrs. Albert Stickney and John E. Parsons, the prosecuting counsel for the Bar Association, have not succeeded in bringing to light any frauds of a startling nature. The Judiciary Committee met yesterday morning at ten o'clock; but business or other causes has sadly diminished their number, as Messrs. Prince, Niles, Tilden and Hill were the only members present. Judge Barnard was punctual in attendance, accompanied by his counsel, Messrs. Rufus Andrews and George Ticknor Curtis. The following are:—

THE CHARGES AGAINST JUDGE BARNARD.

FIRST CHARGE.—That Judge Barnard did release on habeas corpus, without knowledge of the District Attorney, upon the application of Messrs. Howe and Hummel, some fifty prisoners, in suits dating from 1867 to 1871. (Twenty of the cases occurred before 1869, the time when the Judge took the oath of office on his last election.)

SECOND CHARGE.—That Judge Barnard did conspire, with Fisk, Gould and others, to steal the Albany and Susquehanna Railroad. That he did corruptly and illegally issue orders of arrest for the persons of J. H. Ramsay, Henry Smith, W. L. M. Phelps and R. H. Pruyn. That he did corruptly assist in gaining the election of Fisk and Gould to the office of directors of the Albany and Susquehanna Railroad.

First Specification.—That in the case of David Wilkes against the Albany and Susquehanna Railroad he did illegally and corruptly issue an order suspending J. H. Ramsay, President of the aforesaid company.

Second Specification.—That in the case of Azro Chase against the Albany and Susquehanna Railroad he did on the 6th of August, 1869, illegally and corruptly appoint Fisk and Coulter receivers of the aforesaid road.

Third Specification.—That on the 7th of August, 1869, he did corruptly appoint R. L. Pruyn receiver in another action before the Albany Courts.

Fourth Specification.—In the case of Bush against the Albany and Susquehanna Railroad, on the 14th of August, 1869, he did corruptly issue an order appointing W. J. A. Fuller receiver of 2,400 shares of stock of said road.

Fifth Specification.—That on the 9th and 10th days of August he did grant writs and orders purporting to come from the Supreme Court, and that said orders were fraudulently issued at Poughkeepsie on the day after his mother's death and the day of her funeral.

Sixth Specification.—That on the 6th of September, 1869, in case of Albany and Susquehanna Railroad against Ramsay and others, he did, for purpose of conspiracy with Fisk, Gould and others, grant orders holding Ramsay, Smith, Pruyn and Phelps to bail in the sum of $25,000 each.

THIRD CHARGE.—That Judge Barnard did illegally and corruptly appoint one James L. Coleman receiver of 60,000 shares of Erie stock, the property of English stockholders.

First Specification.—That Judge Barnard did this in conjunction with Fisk and Gould for the purpose of stealing the Albany and Susquehanna Railroad; that said order was granted with the corrupt intention of putting the road in the possession and under the control of Fisk, Gould, Lane and Barnard.

Second Specification.—That Judge Barnard, on the 11th of March, 1871, attempted to remove James H. Coleman and appoint one Charles Robinson receiver of said 60,000 shares of Erie stock.

FOURTH CHARGE.—That Judge Barnard did give a corrupt decision in denying a motion for alimony.

FIFTH CHARGE.—That Judge Barnard discharged on a habeas corpus some six men charged with attempting to register illegally as voters at an election in which said Barnard was running for Judge of the Supreme Court; that a writ was granted and made returnable from his private residence; that at a late hour of the night they were discharged by said Barnard, by his appearing and stating that he would have nothing to do with the case that night.

SIXTH CHARGE.—That Judge Barnard has shown gross favoritism to James H. Coleman in appointing him referee in a large number of cases during the years 1869, 1870 and 1871.

SEVENTH CHARGE.—That Judge Barnard has made large and extraordinary allowances in certain cases to lawyers practising before him.

EIGHTH CHARGE.—That his conduct upon the bench while sitting as a judge has been unbecoming and wanting in dignity; that his expressions have been indecent; that he has abused respectable members of the bar; that he has exhibited decided favoritism for certain counsel and certain litigants; that in the performance of his official duties he has been influenced by a well known and openly avowed intention to assist his friends, thereby to the disgrace of the legal profession and the support of his friends.

Mr. Stickney opened proceedings by placing Mr. James Coleman on the stand. Mr. Coleman is well known as having been appointed referee in various cases by Judge Barnard. The object of the prosecution in producing Mr. Coleman was to prove that on August 6, 1869, the latter gentleman had sent a telegraphic despatch to Judge Barnard at Poughkeepsie, where he was visiting his sick mother. The despatch was said to be a summons to attend a meeting that evening at the residence of

JOSIE MANSFIELD,

in Twenty-third street, where he was to meet Fisk, Gould and the rest of the conspirators in this attempt to gain possession of the Albany and Susquehanna Railroad.

Mr. Coleman testified that on the 6th day of August, 1869, he was not in New York city, but at Long Branch, where he was residing with his family. In answer to several other questions he also stated he was at Long Branch the day previous to the 6th of August, and remained there for two three days longer. He was then questioned in reference to the charges and specifications which state that Judge Barnard was at Poughkeepsie on the 6th day of August, 1869, at the bedside of his sick mother; that he there received a telegraphic despatch from James E. Coleman, requesting his immediate return to the city, to attend a meeting at No. 359 West Twenty-third street; that, in accordance with the purport of the despatch, he came to New York, went to No. 359 West Twenty-third street, and there signed the documents appointing Messrs. Fisk and Coulter receivers of the Albany and Susquehanna Railroad.

In answer to these questions Mr. Coleman stated that he was not in New York city on the day named; had never sent any telegraphic despatch, and that, as far as he knew, there was not a word of truth in the charge whatsoever.

The examination of Mr. Coleman was continued for a short time longer, but finally Messrs. Stickney and Parsons dispensed with his services and rested on their laurels.

The next witness that occupied the stand was Mr. Sterling, a member of the firm of Field & Shearman, who secured the order from Judge Barnard appointing the referees in the Albany and Susquehanna case. Mr. Sterling testified that on the 6th of August, 1869, he was in New York city, and in the morning went to the Grand Opera House, where his firm had a branch office, in which they were in the habit of transacting their business for the Erie Railroad; his object in going to the office on that special day was to meet the Executive Council and Board of Directors of the Albany and Susquehanna Railroad by appointment, to be present at their proceedings, and it was at that time that the papers were drawn out vesting his firm with the authority under which they acted in future proceedings; Mr. Fisk and Mr. Gould were not present, and he did not remember anybody else being there, with the exception of the gentlemen connected with the Albany and Susquehannah Railroad; as soon as he had drawn up the necessary papers he started in search of the nearest judge, and, hearing that Judge Barnard resided in Twenty-first street, he went to his carriage with the intention of driving immediately to the Judge's residence; on his way to accomplish this errand he met a friend, who stopped him and asked him where he was going, to which he replied, "On some important business;" his friend then said, "You had better let me go with you," to which witness replied, "All right, come along; I am going to Judge Barnard." "If that is your business," said the friend, "you will find Judge Barnard somewhere near here, as I saw him pass a few minutes ago;" after receiving these instructions Mr. Sterling went off in search of the Judge, and finally discovered him in a house two or three doors from the Opera House, the basement of which was occupied by a real estate office, kept by a man of the name of Ford, who was the only occupant of the house; the Judge was seated with several friends and they were pleasantly chatting together. Neither Mr. Fisk nor Mr. Gould were present; Mr. Sterling made known his business, and, requesting the Judge's attention, read out his papers and then handed them over to Judge Barnard, who, after making a careful perusal of their contents, signed the order appointing the referees; with this document in his possession Mr. Sterling jumped into his carriage and started for the Hudson River depot, as he was anxious to reach Albany that (Saturday) night, so as to be in readiness for business early on Monday; on the cars he met Mr. Fisk and some other friends who were also on their way to the legislative headquarters for the purpose of commencing those proceedings for the seizure of the books and papers of the company.

Mr. Sterling was then subjected to a very searching cross-examination by the counsel for the prosecution, and he testified that the firm of Field & Shearman had charge of all the legal suits of the Erie Railway Company; that Judge Barnard had never once decided in favor of Erie in any suit they had ever brought; that Judge Barnard had once decided a suit for Vanderbilt against Fisk and Gould in a case involving

FIVE MILLION DOLLARS;

the above case was tried before Judge Barnard without a jury, and it was a case in which the entire onus of the decision was left with the Court.

Mr. Sterling before leaving was asked by one of Judge Barnard's counsel:—

Q. Had you any conversation with any persons about your appearance here before coming before this committee? A. Yes; I was spoken to by Mr. Albert Stickney and Mr. John Parsons, the counsel for the Bar Association, who told me that I need not pay any attention to the subpœna, as they would tell me when I was wanted on the stand; they said, "We want to keep the committee here; we want to prolong the investigation; and in order to do so we must be able to show subpœnas of witnesses whose attendance we have not been able to procure."

The above remarks of the witness created a considerable sensation among the few members of the committee present.

A clerk employed by the firm of Field & Shearman was then examined about going to Albany to serve papers on different parties.

About one hour was then passed in idleness waiting for a witness, when at last Mr. Shearman, a partner in the firm of Field & Shearman, arrived. He was put upon the stand. He substantiated the testimony of Mr. Sterling, and also added that Judge Barnard had never decided a case in their favor when they appeared for the Erie Railway Company; that he had never met Judge Barnard in private life; had never met him in company with Fisk and Gould; that he did not like having to bring cases before Judge Barnard for decision; had only been to Judge Barnard's house once, and that was to obtain an order which he was refused, and that in one instance he had brought a case to Elmira rather than have it before Judge Barnard. This closed the examination of Mr. Shearman, and, as it was then past six o'clock, the committee adjourned until half-past seven P. M.

The committee got to work again at half-past seven and put Mr. J. P. Lowery on the stand. This gentleman is a member of the firm of Potter & Lowery, counsel for the Pacific Mail Company. Mr. Lowery gave evidence in the case of Goddard vs. Stanwood, which came up in 1869 before Judge Barnard, involving the claim for the sum of $1,000, which had been placed in the safe keeping of the Pacific Mail Company. Upon application of one of the claimants Judge Barnard granted an ex parte injunction upon the Pacific Mail Company, restraining them from paying over the money. Upon further application Judge Barnard vacated his injunction, and then the Pacific Mail Company refused to pay over the money.

The evidence elicited from the witness did not tend to prove any irregular conduct on the part of Judge Barnard, and Messrs. Stickney and Parsons subsided.

As there were no more witnesses to examine the counsel for Judge Barnard then addressed the chairman, and made a motion that in the charges preferred against Judge Barnard which are now being investigated there are many which date back previous to the term of office which he now fills. Charges are brought against him for decisions he gave in the early part of 1868, when he was only elected to his present position in the fall of 1868 and took the oath of office in January, 1869. It was claimed by the counsel for the defence that although they discovered nothing of any importance in the charges occurring in his previous term of office which could not be easily refuted and explained, yet they denied the right of the committee to impeach or remove an officer elected by the people for acts done by him previous to his acceptance of the present term of office which he now fills. It was also urged by the counsel for the defence that if they could try Judge Barnard for acts alleged to have been performed while Judge of the Supreme Court during his previous term they might with equal propriety try and remove him for acts done during the time he was Recorder of the city of New York.

The committee was rather taken aback at this view of the question, and evidently it is one of grave importance, as they requested the counsel on both sides to prepare and present to them written briefs upon this subject on or before Friday next.

As there were no more witnesses to be examined the committee adjourned further investigation until Friday at ten A. M. The members of the Judiciary Committee will proceed to Albany this evening.

QUARANTINE INVESTIGATION.

The Sub-Committee on Commerce continued the investigation into Quarantine affairs yesterday at the St. Nicholas Hotel.

Graham Brown, clerk and engineer, examined—The money, so far as I know, for the carrying of passengers, was collected on the steamers, but I know not by whom; the accounts were kept by memoranda; I was paid $125 a month and also gave me presents from time to time; the presents were not in the shape of money; I could not give you an idea of the total amount received for the transportation of mails; $25 was received for each steamer detained in the lower bay; one steamer might be detained in a week; sometimes more; the average the season round would be about one steamer a week; I acted as paymaster; the Commissioners of Quarantine paid the money; the pay roll was approved by Dr. Carnochan and then sent to the Commissioners; none of the employés at the station are paid from the Health Office; I supervised the repairs on board the Fletcher; I relieved the engineer on the Fenton from time to time; I usually run the Fenton three or four times a week in summer time; the steamer was to Long Branch once last year to my knowledge; she was also to the steam yacht regattas; I received $250 from John H. Fay last year; it was given to me as compensation for information given by me to him about vessels; the information was about steamers that came up at certain times; as I understood, his object in getting the information was to let the consignees know about it; I kept the money and used it; I had received moneys in that way some few times before; I tried to get the vessels up for Fay, but cannot say that it was on my account they got up; I got my information from conversations with Dr. Carnochan and the deputies; I have no means of knowing the total sum received during the season for the transportation of mails; I collected the bills for fumigation, &c.; I do not know that I could, from my position, get a vessel out of quarantine.

A question was here put as to whether the witness ever gave any of the moneys he had received to any of the health officers, and Mr. Boyd, counsel, objected to any question being asked implying that any charges were made against Dr. Carnochan. The chairman replied there were no charges made against Dr. Carnochan, and that the investigation was concerning quarantine affairs, with a view to a basis for legislation relative to quarantine.

A. I collected probably $30,000 or $40,000 during the last three years; I might have collected $10,000 last year—perhaps more or perhaps less; never charged for taking up letters; charged for bringing down supplies to the vessels in quarantine; $1 a head was charged for bringing up passengers; never heard, and have no idea, of the amount annually received from passengers; we did not keep any account; charged a foreign first class steamer $50 for fumigation; coasters—steamers coming from the West Indies—$25; ships with passengers, $25; without passengers, $20; brigs and schooners, $12; the merchants thought the bills "too steep;" some of them were, others not; all European vessels were fumigated from April 1 to October 15; I collected for fumigation, on an average, a day, three or four bills; five policemen were on duty in January; I had nothing to do with paying the men in the Lower Bay; Mr. Bowers had the contract for supplying flags; neither Dr. Carnochan nor any one else knew of my having received the money from Fay; I think that a larger portion of the money collected by me was passed over to the Commissioners of Quarantine; they got all the money received from hospital bills; neither Dr. Carnochan nor any one else asked me not to appear before the committee; I did not come before because of my position as clerk at Quarantine, and because I thought all the testimony needed could be got without me.

George W. White, of the Lightering and Stevedore Company, was next examined, but his testimony was rather short and not of particular interest.

The committee then adjourned to Monday morning next.

ENGLISH COURSING.

THE WATERLOO CUP, of sixty-four subscribers at £25 each; the winner to receive £500, second £200; two dogs, £50 each; four, £30 each; eight, £20 each; sixteen, £10 each; the Waterloo Purse and the Waterloo Plate, £360—total, £1,600. The first event was won by Mr. J. Briggs' f. b. Bed of Stone, by Portland, out of Imperatrice.

THE WATERLOO PURSE of £215, taken from the cup stakes, for the thirty-two dogs beaten in the first round of the cup; the winner to receive £75, second £30; two dogs, £15 each; four, £10 each; eight, £5 each—total, £215. This event was won by Mr. C. T. Lister's w. bk. b. Chameleon, by King Death, out of Chloe.

THE WATERLOO PLATE of £145, taken from the cup stakes, for the sixteen dogs beaten in the first ties of the cup; the winner to receive £75, second £30; two dogs, £10 each; four, £5 each—total, £145. Mr. B. H. Jones' r. b. Jewess, by Ewesdale, out of Tamar, was the winner of this event.

BUFFALO DRIVING PARK ASSOCIATION.

BUFFALO, N. Y., March 9, 1872.

The managers of the Buffalo Driving Park Association have decided to offer purses for the next August meeting amounting to $60,000, an increase of $10,000 over last year. The premium programme is as follows:—

3 minute horses	$1,500	2:25 minute horses	$10,000
2:50 minute horses	2,000	2:21 minute horses	5,000
2:40 minute horses	4,000	For all horses	10,000
2:34 minute horses	5,000	Four year-olds	1,000
2:30 minute horses	10,000	Five-year-olds	1,500
2:27 minute horses	10,000		

CURLING.

A match was played at Hoxey's Pond on Thursday, March 7, between two rinks of the Paterson Curling Club, for the championship, and resulted in a victory for J. E. Bolton over J. R. Smith. The players were as follows:—

O. Openshaw,	B. Stapleton,
R. W. Hoxey,	J. Van Houten,
Alex. Younger,	R. Downing,
J. E. Bolton, skip 28.	J. R. Smith, skip 17.

Majority for J. E. Bolton, 11 shots.