LYDIA SHERMAN.

Her Trial for Murder at New Haven.

Singular Procedure—The Jury Roaming at Large Over the Country.

BARKER'S CHEMICAL ANALYSIS.

An Entire Day Spent in Catechising Him—Failure to Trip Him Up or Throw Discredit Upon His Analysis.

NEW HAVEN, April 19, 1872.

The interest taken in the trial of Mrs. Lydia Sherman, the alleged poisoner, seems to be extending throughout the entire community, and the court room to-day contained many persons from the surrounding towns, who had come in to get a glimpse of this remarkable woman, who displays so much nerve under the trying ordeal through which she is now passing. In personal appearance the prisoner is tall and well proportioned. She walks very erect and gracefully, and whether reclining in a chair or standing has the air and bearing of a woman who has been accustomed to mingle in genteel society. Her features are sharply defined, her nose quite sharp, complexion—which was once clear—now somewhat sallow from confinement, prominent cheek bones, but not so marked as to make her repulsive. Her hair is black and her eyes are quite dark, and bear a cold expression. When at rest and not excited by events about her her look is such as to impress one with the idea that she is not susceptible of emotion; but when addressed this cold reserve instantly vanishes, and the repulsiveness that a moment before rested upon her countenance gives place to a pleasant smile that at once dispels all doubt of her being a virago. Still there are indelibly stamped upon her contour evidences of the care and trouble she has passed through in her later life; but no one who converses with her would say that she has the appearance of a murderess, who would take the lives of innocent children merely to gratify her avarice or ambition or to be rid of responsibility. If she be

THE VILE AND HEARTLESS MURDERESS

that the circumstances suggest she is really an enigma who defies the keenest experts to detect the emotions that struggle within a calm exterior. Her sister, Mrs. Nefay, who sits beside her, is a lady of an entirely different type from the accused. She is petit in form, has small, delicate features, small hands and feet and blue eyes, that distinctly show womanly sympathy and concern for the dear sister whose life is placed in jeopardy. She, too, shows that she has been tenderly raised and has moved in good society. Her brother and brother-in-law are quiet, genteel looking men, whose frank, open countenances would at once give them a passport to the confidence of any one. The son is a young man, aged about twenty-five, and bears a striking resemblance to the accused, who is his natural mother. He is a son of Struck, the New York policeman and first husband of the prisoner. Such is a brief picture of the groups that attract the most lively attention as they sit within the railing, near the prisoner's counsel and facing the jury and witnesses, to watch and weigh every word that is uttered. The prisoner often gracefully bends her her head to her counsel on cross-examination, and suggests questions the pertinence of which seem to strike counsel at once, as he invariably propounds them to the witnesses.

VERY QUESTIONABLE PROCEDURE.

To one who, for the first time, has witnessed a murder trial in this State the practice seems strange and very questionable. There seems to be no effort made in this State to keep the jury isolated from the outside world. The moment the Court takes a recess or adjourns for the day the jury are beyond the custody of the Sheriff, and are permitted to roam about at will or proceed to their homes in the country to spend the night. The other day the Court waited half an hour for the arrival of three of the jurors, who were delayed by an engine getting off the track. This is the practice in this State, but it is doubtless a very dangerous one, and no wonder it is almost an impossibility to convict in this State for murder. Such practice certainly opens the door for the "hanging" of any jury if there be upon it one man who can be approached. The Court in this case, however, is merely following the established practice in permitting the jurors to be at large. Yesterday for the first time the jurors were cautioned against conversing of the trial or reading the newspapers. It is not likely, however, that this jury will be influenced, as it appears to be composed of honest farmers, who will doubtless try the case on its merits.

EXAMINING PROFESSOR BARKER.

At the opening of the Court this morning the attendance of spectators was as large as usual, and included many ladies. The direct examination of Professor Barker, the analytical chemist, was resumed, which was very lucidly given, and clearly showed the presence both in the stomach and liver of arsenic.

Q. Is metallic arsenic poisonous? A. There is yet a question to be settled whether it is; the yellow and white arsenic are both poisonous.

Q. From the amount of arsenic found have you any means of knowing what the quantity of arsenic was in the stomach? A. The contents of the stomach contained what I estimated, judging from the bulk obtained from the stomach, about the tenth of a grain.

Q. How long does it usually take to reach the liver from the stomach? (Objected to and overruled.) A. White arsenic taken to the stomach is removed by absorption, and as it has not been detected in the lymp or chyle this absorption must take place by the blood; it has been detected in the urine within one hour after it has been taken; the liver acquires its maximum quantity, in the opinion of several authorities, in from fifteen to eighteen hours.

Q. Does it work off from the liver or remain there? A. It may all disappear from the liver ie from eight to fifteen days after being taken; it depends upon the quantity.

Q. What is the maximum quantity an adult liver will retain? A. Dr. Duergan, of Dublin, from experiments, gives it as his opinion——

Objected to.

The Court—He may give his own opinion.

A. I have no opinion of my own; from my reading I think the maximum quantity is the quantity I have found in this present case—five grains.

Q. Have you an opinion how long prior to death the arsenic was taken? A. At least fifteen hours before death.

Q. If he had died Friday and the dose administered the previous Monday, would what you found be all he took, or would some of it have passed off? A. Absorption and elimination go on together; a portion of the arsenic would have been removed; of that absorbed a considerable portion may have eliminated during the five days; ordinarily the arsenic is distributed through the entire body; the amount obtained must be less than the amount taken: when arsenic is taken more rapidly than it can be eliminated it becomes accumulative; the same is the case with apple pie; in my opinion it is not cumulative poison unless taken in greater quantities than can be eliminated.

Q. If he vomited more or less during his illness, state when the arsenic was taken. A. My opinion it was Monday night or the night previous; the arsenic found on the stomach may be the last traces of a very large quantity taken Monday night or the residue of a small quantity taken subsequently—which, I cannot tell, but the latter appears more probable.

Q. Tell the jury how arsenic poisons. A. The first effect when taken is local; it is classified as an irritant, but not corrosive poison; it inflames the parts it comes in contact with without destroying them; the local effects first produced cause local symptoms generally within an hour after being swallowed; they are pain in stomach, which, passing down, extends along the intestinal track; it increases in severity, great thirst, dryness and constriction of throat, vomiting and purging; the matter vomited is dark, bilious and offensive; by this time more or less of

THE POISON HAD BECOME ABSORBED;

it enters the blood and produces a second class of symptoms, called semate, the action being mainly upon the blood vessels; these symptoms are great prostration of strength, anxiety and depression of mind, peculiar lividity of the face, a blue line under the eyes—the intellect being as yet unaffected and the mind clear; death may ensue at this stage, due to this prostration, usually taking place within from one to eight days; it might be continued till the effect is apparent upon the nervous system; stupor, passing into a profound coma, may develop itself in case the action is primarily upon the brain, or delirium or convulsions, passing into chronic spasms, in case the spinal cord is also involved, may precede death; all the symptoms may not be present, and the patient may recover from all these symptoms, which may be called primary, and may die from the secondary effects of the poison years afterwards. Witness then described minutely the passage of the arsenic from the stomach to the liver; it requires from two and a half to three grains to kill an adult; persons have died from the primary effects of arsenic in eight days, and no traces of arsenic have been found on an analysis of the parts; constriction of the throat usually follows arsenic in from a half an hour to an hour.

Q. Assuming the evidence given by the physicians to be true, and that these articles were from Sherman's body, and your examinations, what is your opinion of the cause of death? A. My opinion is that Horatio N. Sherman died from the effect of a poisonous dose of arsenic. (Sensation in Court—the prisoner unmoved.) Witness was then questioned as to his analysis of a specimen of the bismuth of which Dr. Pinney's prescription was compounded, with a view of exploding the idea sought to be conveyed that Sherman may have been poisoned by the doctors. I have not mentioned the effect in first stages of poison on the heart and lungs; the pulse is rapid, respiration labored, sometimes quickens and sometimes slow; the result of the poison acting upon the lower intestines produces straining without result, inflammatory action produces a hot, dry skin; after a relapse has come the skin is cold and perhaps moist; in a case of great thirst from arsenic there is inflammation and constriction, extreme prostration under the symptions sometimes causes faintness, and purging may be wanting in some cases; convulsions are exceptional and so is delirium in first stages.

CROSS-EXAMINED BY MR. WATROUS.

I was appointed in the Yale as professor in 1867; never saw a person die under the influence of poison; never treated a person in that condition; have had no experience as a medical practioner, but I learn the symptoms I have described from books; was from November 6 to 23 making the analysis; the liver was received on the 13th of May, and kept it in a sealed jar in my laboratory, that was locked, and no one had access to it but me; had there been other poison there I would have discovered it as readily as arsenic, but I started to find arsenic, as it had been intimated I would find it there; the chemicals I used in the analysis are water, hydro-muriatic acid, potasium, cloride, hydrogen, sulphide, nitric acid, sulphuric acid, ammonia, ammonia sulphudrate, sodium of nitrate, sulphurous acid and sodium carbonate; there is sometimes arsenic in sulphuric acid; I used about half an ounce of it in each operation. The Professor was subjected to a critical cross-examination, with a view of breaking down his testimony and confusing him, but the effort failed most signally.

At this point, four P. M., one of the jurors, Jonathan Willard, fainted away, and a recess was taken until his recovery, which occurred soon after. The examination was then resumed, Mr. Watson's taking a line of cross-examination with a view of getting an admission that arsenic was produced in the process of analysis. This the Professor distinctly denied, because if he had produced arsenic once he would have produced it in each of the subsequent analysis.

THE BAR ASSOCIATION.

The Resumed Examination About the Marine Court—Denial of the Statements of Goodhart—What Mr. Heywood Had to Say—A Letter from Judge Curtis.

The Committee of the Bar Association met last evening at their rooms, in Twenty-seventh street, and resumed the investigation of the charges against Judge Barnard. Judge Davis, Mr. Townsend, Mr. Olney and Mr. Sewell were present. A number of lawyers whose faces are familiar as practising in the Marine Court were also present, and appeared to take a lively interest in the proceedings.

Mr. Henriques came forward and testified in relation to a case that came up before Judge Curtis, in which there was an application made for delay and the defendant was told to produce bonds. The case was then put on the calendar and bonds were filed. The bonds were not satisfactory and an order was granted to have them justified. Judge Gross here granted a stay of proceedings, which Judge Curtis afterwards set aside. The case was then continued, and Judge Gross abused Mr. Henriques on account of what he thought a breach of his duty, after Judge Gross had granted a stay of proceedings. Judge Gross afterwards found his mistake and apologized.

Mr. Dennison then produced some papers in reference to the copartnership that had been brought forward the previous evening, and stated that it had been entered into before the passage of the statute of prohibition. He also added, in the case of Goodenough against Manning, that came up before the General Term of the Superior Court, an order of reference was made in that case by Judge Brady to Judge Alker, of the Marine Court. An appeal was taken on this order of reference, and the case was argued before the General Term in October, 1871, before Judges Ingraham, Barnard and Cardozo, and they decided to reverse the order of appeal, as the Marine Court was not a court of record. Mr. Dennison also wished to testify in relation to the letter of Judge Curtis about the receipt of $200, but the committee declined to hear any hearsay statement in the matter. Mr. Dennison then read a letter Mr. Brook had written to Judge Curtis, in which the former denied all the statements in regard to his having been in business with Judge Curtis, and that he had only been in New York one year.

Mr. Randall came forward and requested permission to produce a letter he had written to Judge Curtis and the answer in reference to the statement made by Mr. Goodhart that Judge Curtis had made use of the remark, "Oh, yes; I know him to be a damned scoundrel." The letter produced by Mr. Randall from Judge Curtis said:—"The statement is a lie, like all the other statements made by Gardiner and Goodhart. I have always found you and believe you to be an honorable and reliable gentleman." Mr. Randall also produced documents showing he had a right to practice in all courts in Massachusetts. Mr. Randall then wished to make some other statements in defence of Judge Curtis, but the committee declined to hear them, thinking that Judge Curtis should come himself.

Mr. J. R. Heyward, attorney, stated that some two years ago he brought an action for Ellen ——— vs. Bowery Savings Bank, which her aunt had leftdeposited for her before she (the aunt) died. We made one Patrick Coghlan also a defendant; he was former husband of the aunt. The fund was eventually deposited in the United States Trust Company. The case came up before Judge Curtis; we stated we claimed the fund, and there was also a pending action. The defendant claimed the money as administrator to the deceased. We proposed to try the case on the record from the Superior Court, and we argued the case some hours before Judge Curtis and asked him to look at the papers. He said papers always confused him and he would rather I would keep the papers. The parties to the other action were Patrick Coghlan vs. Bowery Savings Bank, and had served my client with papers as a defendant. Judge Curtis promised to decide the case in a few days; I found that an order had been granted by Judge Curtis for the payment of the money; I found the whole record missing at the Clerk's office; after waiting for some time I was told by the Clerk that it was no use my hunting, as the papers would not be found; I looked for Judge Curtis and found he had sailed for Europe; I then moved, before the Marine Court, to restore my record; the case was heard before Judge Joachimsen and argued, and he made an order vacating all the proceedings before the irregularities began; I then sued the Trust Company and failed as yet to get the money; I have also brought an action against Campbell, to whom the money was paid; but have failed, so far, to get any redress; in the latter case, which came up before Judge Tracy last fall, he (the Judge) ruled out all my evidence; in reference to the abuse made use of by Judge Shea, on the 19th of March, I wish to say I was present, and there was no abuse, but a careful argument and seemly statement on the part of Judge Shea.

Judge Davis then read the following letter from Judge Curtis:—

MARINE COURT, NEW YORK, April 17, 1872.

DEAR SIR—The "gordian knot" can be cut, as far as this Court is concerned, by the Legislature of the Commonwealth. I have endeavored during this session to secure some reform. I requested the members at Albany to abolish the reference system; to take away from the Judge of this Court the power to sit in summary proceedings; to allow parties aggrieved the right to appeal to the General Term of the Common Pleas from the orders as well as judgments of the Justices of this Court, and also to enact that the decision of the General Term of this Court reversing a finding of a Judge below should not be final but appealable to the Common Pleas. Hence the fight between my associates and myself. My remedy is, abolish the Marine Court. The Legislature is now in session. There is ample time to do it. I have no corrupt interests as my associates have to protect by the continued life of a tribunal that no longer, as at present constituted, fulfils a healthy mission. By associates I refer to those three who made such a melancholy spectacle of themselves the other night. With the single exception of the Stokes case I have never known accused parties usurping the places of witnesses and jury. Yours, truly,

GEORGE M. CURTIS.

To Judge NOAH DAVIS.

The committee then went into secret session, and the public session was adjourned until Tuesday evening.

THE OCEANUS DISASTER.

The River Dragged for Three Miles from the Scene of the Disaster—No Additional Bodies Found.

ST. LOUIS, MO., April 19, 1872.

Captain Thomas W. Rea, who left last Monday for the scene of the late explosion of the steamer Oceanus, with the intention to recover, if possible, the bodies of those lost by the disaster, returned to-day, and reports that he, together with Mr. Fisher, carpenter of the steamer, and four men, dragged the river from the point where the Oceanus exploded to the place where she sunk, three miles below, but found no bodies.

They also explored both the Missouri and Illinois banks of the river as far down as Cairo, but the only thing they found was the body of one lion cub belonging to the menagerie that was on board the steamer. The river has risen seven feet since the explosion, but Captain Rea left Captain Connolly in charge of the men, and the search will be continued. It is believed the bodies will float soon, and, as the water is quite still, owing to back water from the Ohio River, all that do rise can be easily secured.

FANNY HYDE.

Fifth Day's Proceedings in the Trial of the Alleged Murderess of George W. Watson.

Summing Up for the Defence by Ex-Judge Samuel D. Morris.

The Brooklyn Court House and the approaches to the room of the Oyer and Terminer were besieged as early as nine o'clock by an immense crowd of people, all anxious to witness the closing proceedings in the trial. The interest in the case increases as the trial draws to a close; in fact the case has been the subject of universal comment in Brooklyn since Monday last, when it was called on. No criminal trial has ever taken place in that city which has excited so general and widespread interest as that of Fanny Hyde for the murder of her seducer, George W. Watson.

The announcement that the summing up on behalf of the prisoner would take place yesterday attracted to the Court House hundreds of people who had not attended on any of the previous days. The attendance generally has been confined to a certain class, who crowded the court room every day, but yesterday there was noticed among this class an entirely different element. Citizens of wealth and standing in the community, and many more ladies than usual swelled the throng and remained there until the close of the proceedings.

As soon as the doors were opened a grand rush was made for the interior, and in a few moments the chamber was crowded almost to suffocation. Policemen were stationed at the doors to keep the crowd back, which was found to be a very difficult duty to perform. The prisoner was taken to Court at half-past nine o'clock, and provided with a seat beside her counsel and near her relatives and immediate friends. She appeared to be somewhat uneasy for time, but shortly afterwards recovered her composure.

Judge Tappen and Associate Justices Voorhees and Johnson took their seats on the bench at ten o'clock, and the proceedings were opened by District Attorney Britton calling

Lorenzo D. Tice, the undertaker who officiated at the funeral of Mr. Watson. He said he found a bruise on the left part of the forehead and another to the left of the nose, extending to the cheek bone; he did not find any injury on the forehead other than he had described; there was no injury on the face that cut through the skin.

Q. Was there any marks on the face that could be designated as scratches?

Mr. Morris objected on the ground that the question called for an opinion.

Q. What would you call those wounds on the face? A. Had I not known the circumstances of the case I should have said that the man had fallen and been dragged on the ground.

Dr. Holmes, who was called upon to obliterate the injuries upon the face, said that there was an abrasion of the skin over the eye, another on the bridge and another on the side of the nose; there was also a large one on the top of the head (Mr. Watson was partially bald); none were sufficiently deep to cause an issuing of blood more than from the veins of the skin.

Archibald B. Backman, proprietor of the factory where Watson, was killed, was next called.

Q. In the spring or summer of 1870 did you discharge the prisoner at the request of Mr. Watson? A. I discharged her by his direction in the fore part of March.

Q. Having so discharged her, how soon did she come back to work again? A. She did not work for a week after that; Watson was absent at the time and remained away two or three weeks.

Both sides here rested.

Mr. Morris informed the Court, in reply to a question, that he would take the greater part of the day to sum up the case in behalf of the prisoner, and asked that a short recess should be taken before he commenced his address to the jury. Judge Tappen thereupon directed a recess until eleven o'clock.

The Court reassembled at that time, and Mr. Morris commenced his address. He spoke for six hours, concluding his remarks at five o'clock.

In the course of his speech Mr. Morris said:—I say in this case matters have been strained from beginning to end. When this unfortunate girl was on the stand it was only through her tears that she could testify, and after the cross-examination counsel objected to my pursuing the examination any further; but no judge in the land would apply any such technical rule in such a case. Such a rule would not be applied among savages. Was that a desire to elicit all the facts? Suppose I should have been wrong and subjected myself to a technical rule which would debar me from eliciting any additional testimony, do you think it would be the duty of the Court to exclude any additional facts from you and thus hang that unfortunate girl? The shutting up of that testimony meant blood. The District Attorney said we did it as a trick; but suppose it was so, do you think it was the duty of the prosecution to shut up testimony for that reason and keep back facts which were necessary for you to know in order to form your judgment? Supposing he knew there were facts which would be a complete vindication of the prisoner, what under such circumstances should you think would be the duty of counsel for the people? Why, to put the witnesses upon the stand, for this is not a case of blood-hunting, this is a court of justice. Is it right that the prosecution should seek to take the life of one of the people by excluding testimony which they have not the power to contradict?

Mr. Morris contended that the prosecution had not proven the prisoner guilty of murder in the first degree. He alluded to her seduction by Watson, to the latter's conduct toward her, and then proceeded to consider the question of Fanny's insanity. He said:—When this assault was committed upon her, it was the spark which fired the train, and in an instant she became insane and irresponsible for what she did. "Is she insane now?" said they. "Oh, no," said the doctor, "but there she is, gentlemen, all there is of her, and she is a wreck." Now, what is this impulsive insanity? We have had evidence of this hereditary taint; added to that we know she has been suffering from disease for many years, and that alone, if accompanied by a sudden shock, is of itself sufficient to produce this temporary insanity. A "powerfully exciting cause," say the authorities, will produce this disease, and can you conceive any more powerfully exciting cause than when a young woman, suffering as she was, should be attacked by a man and have such an infamous proposition made to her? If you can, when you retire to your room I should like you to weigh the matter well before making up your minds. The authorities tell us that this state will cease in a few years, but say the lawyers, "Don't it have its season of incubation?" Yes, it had been going on for years; it was hereditary; every pang she suffered, every tear she shed, every wild expression she uttered, and when she said, in Washington, "I feel that there is a curse hanging over me," was insanity not then incubating? Insanity, we also know, may be produced by a profound moral shock, and it is not strange that if a person can be deprived of his reason by news of good fortune that he should also be so affected by that which will stir the soul to its utmost depths. And yet, say counsel, "It must have its period of incubation," and is it not strange that the doctrine of impulsive insanity which has been declared for the last fifty years, should now, when we are trying a defenceless woman, be all blotted out? But you are not going to listen to that, for he must give you reasons why the theories of all these eminent medical authorities should be wiped out. With the evidence in this case and the authorities of the facts you are asked to convict this unfortunate woman, but not for a moment do I believe you will do so. You will say, "Slip those bonds and let her go free." Counsel seemed to imagine that if the party had any recollection of what occurred that was proof of her sanity. Why, gentlemen, there is nothing more common than such instances. Go out to Flatbush and you will see it exemplified. Go through the institution there and you will discover many who display no trace of insanity. But ask for the girl's history and you will find another victim of the libertine. If all those unfortunate women could tell what their experiences have been they would a tale unfold which would make humanity stand aghast. Mania of this kind has lately been spoken of as destitute of any foundation in fact, but I am not aware of any writer of any mark for the last forty or fifty years who has not recognized its existence. Are they all wrong? Are you going to say that they are all wrong, and going to wipe out their united authority, on the mere assertion of a person who has not made the study a specialty? Most of them have recorded cases which have come under their own observation; they have seen its development and watched its manifestations. Dr. Jarvis refers to some seventy-five cases of the disease which have come within his own observation. The authors who pretend to speak on it are a unit. No author contends that a person whose mind has been perfectly sound can become insane all at once, and I do not maintain such a position. You are in this case dealing with a mysterious disease; the operation of the mind and the intellect. No one can tell me what it is. How many different manifestations it has in life! All the chords of the mind may be sound except one, and when that one is touched the whole frame gives forth its wail of woe. And yet counsel proclaims that all these doctrines are unsound, notwithstanding all the authorities and verdicts of the past. You will be told in this case that it is your duty to drag what is left of our unfortunate client to the scaffold and then strangle her to death. Mr. Morris referred to the cases of Miss Harris, who shot Burroughs; of Amelia Norman, of Pierce and others, where verdicts of not guilty were rendered, on the ground of insanity, and asked if there was insanity in those cases was there responsibility in this? He closed with an eloquent appeal to the jury to acquit the prisoner.

The prisoner wept frequently during the delivery of the address. A number of the jurymen and many of the spectators were also affected to tears. On several occasions the audience applauded Mr. Morris. Judge Tappen threatened to punish the offenders if there were any further demonstrations.

At the conclusion of the speech the Court adjourned until nine o'clock this morning, when District Attorney Britton will begin his address to the jury for the people.

"WE, THE PEOPLE."

Lecture by Anna Dickinson at Cooper Institute Last Evening.

Strong Attack Upon Philadelphia and Enthusiastic Endorsement of Cincinnati—Something About Primaries and Land-Grabbing Millionnaires and War Legislation.

Miss Anna Dickinson lectured last evening at the Cooper Institute, on "We, the People." There was a very good audience, though the hall was not absolutely filled, and the meeting was marked by a fair degree of enthusiasm. At a little after eight Horace Greeley escorted the fair lecturer upon the platform and introduced her in a speech of a hundred words.

Miss Dickenson, having arraigned the people of indifference and carelessness to the moral welfare of the nation, especially as shown in permitting such a hideous growth of vice and ignorance, the necessary consequence of a vast alien pauper population, to flourish unchecked among us, said:—I believe we can fashion these evil influences to good, however, if we choose to govern the country as a school, wherein right can be learned. If we choose to govern! It is a matter of very small moment who is on the throne if there is a power behind the throne greater than the sovereign. Who governs this country to-day? We, the people! Not at all. The President, the Senate, the House of Representatives, the State Legislatures? Not at all. Is it the great body of the people—the rank and file? There is no man here who does not know that I state the truth when I say that the governing power of this country lies in the

PRIMARY MEETING.

And what is the primary meeting—the place where foreign and domestic ignorance are to learn the alphabet of democracy? They are places so bad, so vile, so crowded with vice on the one hand and ignorance on the other that the great masses of intelligent and respectable men shun them as though they were lazar houses. We, the people of this country, are building our houses on sands—shifting, dangerous, uncertain—on people without intelligence, without culture; people who are loud in clamoring about the rights of citizens and know little or nothing about the duties of citizens. And what, again, of the house builded on the sands? The rains descended, and the floods came, and the winds blew and beat down that house, and great was the fall of it.

LAND-GRABBING AND RAILROAD MILLIONNAIRES.

What else save this indifference to the primary meeting on the part of respectable men can explain the legislation of Congress for the past few years? The primary meeting gives power to the few, who go there to seek it and find it. And what do they with this power? Use it for the benefit of the people? Assuredly not. What else save our indifference to primaries can explain the strange spectacle of the country seeing its lands given away to corporations? The people sit still while a few here give to a few there the lands that should be the heritage of your sons and your sons' sons in times to come. What governs your own State of New York? What governs New Jersey or my own State of Pennsylvania? We, the people. Nobody believes it. State after State is governed by a double line of steel rails and the man who governs and controls them.

THE POOR POLITICIANS.

What else can explain the indifference and the supineness of the people at the way public moneys are gathered together and the way they are spent, and the sort of people who gather and spend them? It is as true of Washington as it was when Juvenal said it of Rome, "What should a man of truth and honesty do at Rome?" To say "professional politician" means in the minds of most people in this country "professional thief." There can indeed be no question as to whether there is a great deal of wrong, and whether it should be righted. And I think we, the people, are responsible, since we make the government. We

OUGHT TO HAVE

a state of opinion that would drive the people—every man—to the primary meetings and from there to the polls, since it was no more essential to this country ten years ago that men should carry muskets to the field than it is essential to-day that men should carry ballots to the polls. It seems to me that there ought to be a state of public feeling that would brand illegal voting as a felony and as treason, since it makes the minority rule, and that would drive every man to the polls to exercise his right as a freeman or compel him to renounce a right that he held too lightly to use.

Miss Dickinson then discussed the legislation rendered necessary by the war, and claimed that though it had been right and proper to adopt certain methods of government when the life of the country was at stake the need for such exceptional and dangerous legislation had passed. She continued:—

WAR LEGISLATION.

We have had our war and our ends and methods of war. What has come of it? We are continuing in our time of peace the methods we used in our time of war. We had the suspension of such and such laws and the enforcement of such and such strange and unusual rights and powers. They were needed. We have now had the President of the United States granted the right to suspend over one half of this country the almost divine right of habeas corpus, whensoever in his own private and individual opinion the public good may require it. Granted that he exercises the right carefully and well, granted that in no one case—and I only grant that for the sake of argument—has he transgressed or gone one step beyond the line that any of the people would desire him, that is not the question. I want to ask you what sort of an idea of legal and constitutional right the President can have who accepts such power or the people can have who yield it. Our President to-day is granted a power that England would not tolerate in the hands of her Queen in time of war.

INVESTIGATIONS.

We have had our papers full of investigations and charges of corruption. There is our Secretary of the Treasury who has a loan to place. He comes face to face with a wall in the shape of a law. What does he do? Go around it? Turn back from it? Ask the people who make the laws to beat it down? No. He tramples it under his feet; he walks over it; and the party in power by a strict party vote in Congress declares that he has done no wrong

THE FRENCH ARMS SCANDAL.

Our papers are full of things about the sale of arms to a certain Power under certain circumstances. Certain people say that it is proved that the Secretary stole no money, and therefore, say they, nothing has been proven by the investigation, and Greeley and Sumner and Schurz had better hide their diminished heads in shame. Has there nothing been proven? It was proven by that investigating committee that the whole question of that sale of arms, involving United States law and international obligations, was passed over for settlement into the hands and judgment of a subordinate officer of a subordinate bureau. Now, I say, it would be comparatively a small matter if it had been proven that the Secretary of War, or his friends, had stolen the whole ten millions and put it in their pockets, in comparison to the proof given of the utter defiance, indifference, negligence of Congress and people concerning law and international obligations.

Miss Dickinson next spoke upon the amnesty question, and defended universal amnesty on the ground that we had tried to rule the South and had failed, and that we ought now to let the few hundred leading men there, who were at present shut out from power, because they were too honest to perjure themselves, try their hand at doing so. She then said:—

WHAT THE WAR AMOUNTED TO.

People talk about the war as though the war was complete in itself, a something that had its own beginning and ending, and that stood apart from all the rest of the time before and the time to come. The war was only an act in a drama. What men did then they did not for the life or success of a party, but for the life and success of the nation. It was simply part and parcel of the regeneration of the country. They did good and they did evil in their work. The question is now, "are the good and the evil alike to be honored?" Many things had gone down in the war, such as slavery. The question is now, are we to stop there? Philadelphia says, "Enough has been done, and the war having done so much let us keep what the war did." Cincinnati says, "Enough has not been done; let us keep what the war has done, and let us add thereto." "Ay," but, say they who go to Philadelphia, "so say we also." But do they mean it? Saying and meaning are very different matters.

THE OFFICE HOLDERS' CONVENTION.

Let the formation of their Convention answer. At Louisville, the other day, I was at the Convention and counted seventy-six office holders in it. How many more there were I do not know. And Mr. Forney says that the working of the Pennsylvania Convention was a disgrace to the party, although he also says that it is proof positive that we, the people, have endorsed the action and the nominee of the Philadelphia Convention. Let the purpose of the Convention answer. For what is it called? To re-enact the second term principle, and to quash all efforts, therefore, necessarily towards civil service reform. That Convention professedly is in favor of what the people earnestly desire—civil service reform.

ROUGH ON SOMEBODY—NO NAMES.

But can it be believed that the men composing it are in earnest? Look at their record. You have one from New York. You can write your own record about him. We have one from Pennsylvania. His own party wrote over him long ago the verdict "common thief." It has such men as the man from the Northwest who calls Mr. Sumner a traitor to the principles of the party, when he himself made his first war speech in 1863. It is indeed useless to enumerate the men on the other side. The people know them and their record.

THE TYRANNY OF PARTY.

And what are the methods they use? They brand every man who is earnest for reform, as a traitor to his party. Yes! the American man or woman who dares to lift his or her eyes to the White House to examine is denounced as a traitor to God and country alike. My administrative friends, remember, I beg you, that no man in the government is too high or too low to escape the investigation and the judgment of the people who have entrusted power to his hands. But they say by this criticism you imperil the election of the only man who can be elected. Then, if that be so, it is time that it is not a principle but a man who will go to the White House for the next four years; and in that case the party that was made of and for principles can have no part or lot in such a struggle. If it is true that it is but this man and this man alone who can be elected, then the republican party in its principles is in a minority, and it ought to get out of the way and let the majority rule.

"THE ONLY MAN."

Why, then, the only man? You are told he was a soldier. A million of men can urge their claims to the White House on equally good ground. Then he was the conqueror of the rebellion I am making, perhaps, a very unpopular statement, but I think I am making a true one, when I say that if there ever was a war fought in the world that was fought to success in spite of its generals and commanders, it was this war. (Applause.) I want to add that the man who asserts in his support of this same candidate for re-election that he should have this place and this power because he conquered the rebellion, insults the common sense of the people, insults the soldiers who fought behind them, insults the dead blue coats in their graves. When the monument is built that will fitly commemorate the hero and conqueror of this war it will lift to the clouds, not the figure of a man, but the statue of a nation. Then it is said he

COLLECTS THE REVENUE

and lowers the taxes and pays the public debt. If I were a foreigner recently arrived here I should imagine from the way this is talked of that General Grant collected all the revenue himself; that he had enacted all the legislation about taxation himself, and that he was sufficiently magnanimous and generous to draw his own check and pay the national debt every month out of his own pocket. But it is the officers of the county who collect the revenue, and it is the people of the county who pap the public debt and will continue to pay it. And again it is said, "he knows nothing about politics; he is only a blunt, honest soldier." A good reason, I should think why he should stick to the work he does know something about and leave the work he does not understand to other hands. But say some, too, "he is only learning what to do; he will do better next term. Why, then, not give him a life term at once?

THE REPUBLICAN PARTY STILL STRONG.

But I believe that the principles of the republican party do not depend upon the election of one man; they are held by the great majority of the people of this country, and, believing that, I know they can elect any man they choose to place to the front. I believe there are principles sufficient to elect the man. Choose the man, then, without consulting or considering expediency alone.

CIVIL SERVICE REFORM.

They say that this man believes in civil service reform, and, therefore, he ought to be the man for the civil service reformers to put to the front and support. Believes in civil service reform! That means very much administration and very little people. Is that what this man and his supporters believe in? The man who is in the White House to-day is a soldier. His methods of thought and work are those of a soldier. Obeys orders, does he? Ay, and enforces them, too.

REMINISCENCES OF GRANT.

It would be a good thing for some of his friends to remember that his first public act was to strike down the two men who had supported his arms and held up his hands when they would else have fallen down. The people say to their representatives in Congress, "Stand between us and the man who would usurp illegal powers in the White House concerning certain enactments in the South." And the first political act of this man was to strike down the two men who had done more to sustain his great fame and name than all others, and Edwin Stanton was one of them, and so from that point on. His first official act as President was to call out that a law that had existed for a century should be swept off the statute book, because it stood in the way of his placing one of his friends in power. And St. Domingo! Yes, he respected the will of the people, but only when friend and foe alike demanded that he should do so.

Miss Dickinson then reviewed the deposition of Sumner, and concluded by asking why, if Cincinnati were, indeed, as contemptible a political movement as was claimed, the administration party did not allow it to die a natural death, or at least ignore it, as they did the Workingmen's Convention at Columbus, the temperance and woman's suffrage conventions.

THE WILSON INDUSTRIAL MISSION.

The annual meeting of the lady managers of the Wilson Industrial Mission was held yesterday afternoon in the mission house, on the corner of Eighth street and avenue A. There were a large number of ladies present, who are interested in the school. This institution was organized about nineteen years ago, and now embraces a day school, from nine A. M. to three P. M., which is attended by two hundred girls, who are instructed in the elementary English branches, and, after a hearty dinner, are taught sewing by hand, while making their own garments, which they earn by a system of credit marks, thus securing them from the pauperizing influence of indiscriminate gratuitous distribution. There are also industrial classes of girls from twelve to twenty years of age, who are taught dressmaking and family sewing. This institution relies wholly for support on voluntary contributions. Its annual expenditures, with strict economy, amount to $9,000. Mrs. Jonathan Sturges presided at the meeting, and after the Rev. Dr. Robinson had offered up prayer Miss M. Collins read a very interesting report of what had been done during the past season in the schools. Mrs. J. Van Vechten then read the report of the missionary committee, and the Treasurer, Mrs. William Ransom, read a report of the year's expenditures and receipts. The Rev. Dr. Robinson and Mr. Wetmore made short addresses, after which the meeting closed. The chief want of the institution appears to be money, and the lady managers are sorely in need of $10,000. Part of the above amount is wanted to pay off a debt upon the mission house and the remainder for the purpose of building a chapel on a vacant lot which they own, adjoining the mission house. Several ladies subscribed to the fund before leaving.

NEW YORK CITY.

Ex-Alderman Patrick Lysaght, of the Sixth ward, was arrested yesterday and taken before Judge Dowling, at the Tombs Police Court, on a charge of having violently assaulted Francis Johnson last Friday night. He was held to bail in the sum of $300.

Detective Heidelberg found Joseph Hunter in Houston street yesterday afternoon with some cloth under his arm from which he was tearing off the labels. The officer arrested him, took him to Police Headquarters, and will have him detained there until an owner is found for the property.

Coroner Young yesterday held an inquest over the remains of Mr. Reed M. Take, late transfer clerk in the employ of the New Haven Railroad Company, who dropped dead, corner of Sixth avenue and Twenty-seventh street, on Thursday evening, while walking with a friend. He had long been suffering from rheumatism, dyspepsia and heart disease, and from the testimony before the Coroner the jury rendered a verdict of death from disease of the heart. Deceased was thirty-four years of age and a native of New York. The remains were taken to the depot of the railroad company, where deceased had rooms.

Yesterday morning a resident of New Jersey, named James Collyer, while crossing the ferry from Hoboken, entered into conversation with two fellow travellers, who, on reaching New York, invited him to partake of a matutinal libation. Instead of taking him into a saloon, however, they inducted their victim into a dark hall, and while one was pretending to knock at the door Collyer, feeling a tug at his watch chain, felt for his timepiece and found it missing. The Jerseyman collared one of the pickpockets and maintained his hold upon him until an officer arrived upon the scene and took him into custody. The accused said his name was Patrick Powers, and Justice Dowling, the Magistrate before whom he was taken, held him for trial.

The Legislature having called on the County Clerk and clerks of the minor Courts for a return of the fees received under the Jury law since its passage, Deputy Clerk Gumbleton has made up a report, covering 248 pages, containing the following:—

Number of cases given	3,646	Judgments by consent	8
Tried	280	Stricken off the calendar	4
Inquest	356	Withdrawn	3
Settled	120		
Referred	70	Total	929
Discontinued	60		
Dismissed	28		
Amount received			$22,176
Amount repaid			2,706
Amount on hand			$19,470

THE REFEREE SYSTEM.

Opinions of Judges of the Supreme, Common Pleas and Superior Courts.

General Desire for Reformation—The Appointment by the Governor of a Standing Body Recommended.

The Bar Association have under consideration a bill to be presented at Albany for the reform of the Judiciary in this city, and especially the "referee system," which has become a serious question in large circles and led to much corruption both on the bench and in the bar. Nepotism and favoritism have in many instances marked the appointments made, and this has caused almost every selection by the most impartial judge to be scrutinized suspiciously and insinuations made that cast a slur which can neither be explained nor denied. Most of the judges in the following interviews have expressed sentiments favoring a reform in the system, but there is a diversity of opinion regarding the means, as some are in favor of having a Board of Referees appointed by either the Governor or Mayor, while a few think it advisable to continue the present system, but to confine the giving of references solely to cases referable under the laws. A HERALD reporter, desiring to ascertain the conflicting views of the judiciary lights on this vexed question, made a tour yesterday of the various Courts, and heard the ideas and suggestions of Chief Justice Daly, Judge Brady, of the Supreme Court; Judge Monell, of the Superior; Judges Larrimore and Loew, of the Common Pleas, and Judge Curtis, of the Marine. The reporter first paid a visit to the Common Pleas, and was favored with

CHIEF JUSTICE DALY'S VIEWS.

He said the referee system was indispensable to the administration of justice, and was in a measure a satisfaction to both parties, as it brought them together in a less formal way, and minor points were solved which would take up the time of the Court to a greater extent than would be advisable. The course he invariably pursued when the opposing counsel failed to agree on a referee was to request them to name five or six members of the bar, and from this list he made a selection, and if the name was objectionable to either party another was chosen. The law, as it present existed, if honestly administered, would meet all the requirements. The old style of having masters in chancery was objectionable, and he thought it impossible to introduce the French system into this country, with its multitude of judges, without an organic change in the constitution, as by our form of trial it would be impossible for the jury to remember all the minute details, whereas in France testimony is taken before the trial is begun, whereas the fundamental principle of our constitution favors oral examination, as the appearance and manner of the witness have a corresponding effect on the jury, and nothing would be gained by going back to the French system.

JUDGE BRADY,

of the Supreme Court, was in favor of appointing permanent referees, as it saved them the trouble of selection and being importuned by needy lawyers and dilapidated members of the judiciary. He thought that about fifty referees should be appointed by the Governor and confirmed by the Senate, but as to the method of selection no decided opinion could be given. The Governor, he supposed, would be influenced by the same considerations as in the appointing of notaries, and no doubt the recommendation of the Bar Association would have due, but not preponderating, influence on his selection. It has been proposed that at the General Term of each district a certain number should be appointed, but thought the previous plan preferable. Though nepotism should be guarded against, yet there were cases in some relations of life, when known, probably should have its weight against the untried honesty of the stranger. If it were not for the engagements of counsel the Courts could accomplish a great deal more business, as those who plead are few He should like to see some measures taken to dispel the dissatisfaction that seems to exist, and as the Governor of the State is a lawyer himself he would undoubtedly make proper selections and devise a plan for choosing proper men, irrespective of the profession of the occupant of the gubernatorial chair.

JUDGE MONELL

maintained that only cases referable under the law should be given to referees, and in no case should a referee be appointed unless the contending parties were mutually agreeable to his nomination by the Court. A board of referees would be objectionable, as it was found so under the old Master in Chancery system, because it became compulsory on the Court to appoint referees who were objectionable. The responsibility of choosing referees should rest with the bar, and not with the judge, who should have sufficient latitude allowed him to make an unquestionable selection. The power of referring cases ought to be used very sparingly, as in actions where the right of trial by jury is secured by the constitution the litigant should have the benefit. A proper exercise of the power of the Court will of itself remove all objections to the referee system. Individually he never appointed the same person twice. He was constantly in receipt of letters from eminent members of the Bar, who had sat on the Bench for cases; but, of course, such applications were perfectly proper. The reporter suggested that the English system of having barristers might be introduced to advantage, as it was rather *infra dig* for a member of the bar either to solicit cases or reference, and in Great Britain no barrister ever seeks employment from his clients. The Judge was not prepared to give an answer to this question, but was decidedly opposed to having distinctions at the bar, for the appointment of a board of referees would give its members a certain rank and status. He was present at the convention for the revision of the constitution in 1846, and was in favor of abolishing the Superior, Common Pleas and Marine Courts and making one Supreme Court of twenty Judges, where there could be some uniformity in decisions. As at present they were diametrically contrary. The panacea, in fact, for this evil was, as before stated, only permitting strictly referable cases to leave the Court.

JUDGES LARREMORE AND LOEW,

at the time of the reporter's visit, were in Chambers. Judge Loew would be happy to have the power taken away entirely of appointing referees from the bench, as it had always been a bone of contention. Where both parties were agreeable he appointed a referee, but never otherwise. Was not, however, in favor of standing referees, who were a sort of monopoly, and it was very hard to find in a limited number just the person who had the specific qualifications. Judge Larremore did not believe in taking the power of appointing referees away from the Bench. He would have the Governor appoint forty members of the Bar, to be confirmed by the Senate, and from this body referees should be chosen. References were indispensable to Court, but the commercial tribunals of France could not very well be substituted for the referee system, as a difficulty existed in giving evidence according to rule, which required a certain amount of legal education. This objection was obviated by the written testimony taken in France.

JUDGE CURTIS,

of the Marine Court, maintained that the animus of the Bar Association directed against him was on account of his desire to see the referee system entirely changed and the power taken from the Judges entirely of appointing referees. He wrote a letter to the Legislature advising the taking away of the powers of Judges of the Marine Court to sit in summary proceedings, and this caused the personal enmity of Judges and family connections immediately benefited by its existence, and the humiliating spectacle has been witnessed of three Judges of the Marine Court going before an unauthorized and illegal body of irresponsible lawyers, who act both as witness and jury. The only way to destroy the referee cancer is to cut it out, and, so far as regards the Marine Court, no new power should be given it. If he failed to pass certain reform measures he would try to secure its abolition. If referees are to be employed (and they are not necessary, for any Judge who is willing to work can do all the requisite business, and references only encourage nepotism and corruption) he would suggest, so far as the Marine Court goes, that the power be vested in the Mayor of the city to appoint ten standing referees, who should be men of unquestionable integrity and ability.

OUTRAGE AND MURDER.

BOSTON, April 19, 1872.

Last evening a man named William Maines, residing at 559 Harrison avenue, left his wife in company with his brother James, who had recently come to Boston from New York, and on his return shortly after his brother informed him that he was a "happy man," asserting that his wife was dead. William alarmed the household, and, in company with his landlady, entered the room, and found his wife dead on the bed, with her head resting in a pan of water on the floor. It is supposed that he attempted to outrage her, and in the scuffle, to save exposure, killed her. He was arrested.

SUICIDE IN WEST TENTH STREET.

At half-past eight o'clock last night Fritz Vueme, a Swede, nineteen years of age, living at 58½ West Tenth street, was found in the wood cellar hanging by the neck. It is supposed the unfortunate youth committed the rash act in a fit of depression caused by want of employment. He had no friends in this country, and being of a nervous disposition his position had a very depressing effect upon him. The Coroner will hold an investigation this morning.