# THE COURTS.

## The Grinnell Bankruptcy---Proposition for a Settlement.

## BUSINESS IN THE OTHER COURTS.

Ernest Clifford, who had been charged before Commissioner Shields with selling cigars without having them properly stamped, was yesterday discharged on $1,000 bail for examination.

James Gallagher, of Third avenue, who had been accused of selling liquor without paying the special tax required by law, was discharged yesterday by Commissioner Shields, who held, upon the facts, that the defendant was not liable.

## THE GRINNELL BANKRUPTCY.

**Proposition of the Bankrupts to Make a Settlement.**

Yesterday, in the United States District Court, a petition was filed on behalf of George Bird Grinnell and Joseph C. Williams, bankrupts, and George B. Grinnell and George Bird Grinnell, bankrupts, through Messrs. Martin & Smith, their attorneys. The petition contains in substance the following statement:—

George Bird Grinnell and Joseph C. Williams, the general partners in the limited partnership of George Bird Grinnell & Co., in which George B. Grinnell was the special partner, filed, on October 15, 1873, their petition to be adjudicated bankrupts, and to have the limited partnership in question adjudicated bankrupt. This petition, together with the proceedings to be taken thereunder, was referred to one of the registrars, Mr. H. W. Allen, and on October 16 George B. Grinnell and Joseph C. Williams and the limited partnership referred to were adjudicated bankrupts. On the following day George B. Grinnell, one of the general partners in the general partnership of George B. Grinnell & Co., filed a petition asking to be adjudicated a bankrupt and to have the general partnership adjudicated bankrupt. The prayers of these petitions were granted by the Court, and the proceedings in the limited and in the general partnership were consolidated.

The first meeting of the creditors of the bankrupts' estate took place on November 14, 1873. No assignee was appointed and the meeting was adjourned till the 5th of the present month. It appears that the petitioners have effected an arrangement with the whole of their secured as well as unsecured creditors, including all who have proved their claims, with the exception as hereinafter stated, and have got from them written consents that the proceedings in bankruptcy in this matter be discontinued, that the respective assets and property of the bankrupts be relieved and restored to them, and ask that an order be entered to that effect.

The petitioners declare that they are ready to produce and prove before the Registrar all of the consents in question, so that they may be passed upon by that officer. The creditors who have not given their consent to the matters stated in the petition are William Graydon, a creditor of the general partnership for the sum of $56 52; George H. Holt, a creditor of the general partnership for the sum of $477 70; Mrs. H. B. Wilmarding, a creditor of the general partnership for the sum of $652 20. These creditors have all proved their claims. The petitioners have been unable to obtain the consent of such creditors to a discontinuance of the bankruptcy proceedings herein on account of their absence from the city. The sum of all the debts of the creditors who have not signed their consent amounts to about only $3,500. The limited partnership when it was declared bankrupt placed with the Registrar $25,700 belonging to it, and the general partnership placed with him $29,950, its property. Both of these sums the Registrar has deposited in the Bank of the State of New York, where they now remain subject to the order of the Court. The petitioners have expressed their willingness that there shall be retained so much of this money as the Court may direct to fully pay the claims of the creditors above referred to; and they pray that the matter be referred to the Registrar to take proof with respect to the allegations set forth in the petition and to report to the Court whether, in his opinion, the bankruptcy proceedings ought to be discontinued.

Judge Blatchford has directed the entry of an order granting the prayer of the petition.

## BUSINESS IN THE OTHER COURTS.

UNITED STATES COMMISSIONERS' COURT.

**Alleged Violation of the Internal Revenue Law—The Case of Henry Howard—The Defendant Discharged.**

Yesterday Commissioner Osborn rendered his decision in the case of Henry Howard, who was charged with having made false and fraudulent returns of his income as a distiller in 1869, and presented the same to the Collector of Internal Revenue. For the purpose of proving the alleged offence it was sought to introduce in evidence for the prosecution a paper found among the documents in the Collector's office. It was claimed that this was Howard's return of his income for 1869, inasmuch as it contained his signature and the verification of the statement therein contained, and also the name of the street and the number of the house in which Howard resided at that time. Mr. L. W. Emerson, counsel for Howard, objected to the introduction of the paper in question as evidence, holding that the government had not connected Howard with it.

Commissioner Osborn in his decision says:—"To sustain the charge of criminality there should be such proof as the law of evidence requires to identify the defendant with the document tendered in evidence—that is, it should be shown that Howard made the return to the Collector, and that it is fraudulent. It is as incumbent upon the prosecution to prove the crime in a preliminary examination before a commissioner as it is in a criminal court of record; and the same rules of evidence are to be applied with the same strictness before a commissioner as before a jury. In this case the prosecution has failed to prove the handwriting in the body of the document referred to, and it has also failed to prove that the signature to it is Howard's. No competent evidence has been produced to show that Howard had any connection whatever with the alleged fraudulent return, and the law requires something more than an inference that he rendered it. No one accused of crime is called upon in a court of justice to explain a written document containing his name and residence, when it is shown that the signature is not his. The defendant is entitled to be discharged.

The defendant was accordingly discharged.

COURT OF OYER AND TERMINER.

**Case of Yates, the Alleged Railroad Bond Forger—Lockwood, the Arrested Burglar, Seeking His Liberty.**

Before Judge Ingraham.

Joseph J. Yates, charged with being implicated in the heavy forgeries some three months since, and which at the time created such a furor of excitement, of some $500,000 worth of bonds of the New York Central and Buffalo and Erie Railroad companies, after his prolonged sojourn in the Tombs, is becoming active, and, if he cannot procure his discharge, desires speedy trial, claiming that he can prove himself innocent of the charges preferred against him. On the opening of this Court yesterday Mr. William F. Howe, his counsel, who had procured a writ of habeas corpus and certiorari in his case, insisted that he should be either tried forthwith or discharged. He said that Yates had been confined three months in prison without having been accorded the statutory right of an examination; that he had never been taken before any magistrate; that he was committed without a hearing or opportunity to prove his innocence of the charges of forgery preferred against him; that Yates solemnly asserted his innocence of the perpetration of the forgeries; that he had a good and substantial defence on the merits of his case should it be brought to a trial, and that he had been clamoring for a trial since the commencement of his incarceration. He stated further that Yates had suffered in his business, which was that of bookkeeper for J. F. Clark, brush manufacturer, at No. 132 Reade street, where he had been employed for over three years last past and up to the day of his arrest, and that his wife and family were entirely dependent on his labors for their support. He asked on these grounds that an immediate trial be accorded the prisoner, or that the Court order his discharge. In continuing his urgent plea in Yates' behalf Mr. Howe said that he was aware that Mr. Phelps, the District Attorney, had been indefatigably engaged during the entire term of the Court in prosecuting cases of paramount importance to the people, and for which he was entitled to the thanks of the people who had elected him; but, weighty as these reasons were, he could not receive them as against an innocent client, who demanded his constitutional right and asked simply for justice.

Mr. Phelps said the circumstances connected with this case had rendered it necessary for him to ask for time in which to determine what course he should pursue.

Mr. Howe asked that, if the Court would not then order the discharge of Yates, the case be sent to the Court of General Sessions, to be tried at once.

Mr. Phelps objected to this course being taken.

Judge Ingraham said that if the case were not disposed of by the end of the present term Mr. Howe could then renew his motion.

George Lockwood, alias Cully, a notorious burglar, was arrested at four o'clock on the morning of November 24, by Captain Williams, of the Eighth precinct, in his room at No. 85 West Houston street. In the prisoner's possession were found a most complete burglar's outfit—a jimmy, consisting of twelve pieces of cast steel; a dark lantern, one brace, one bit for brace, one auger, seven drills, four punches, seven files, two screwdrivers, one small jimmy, powder for blowing open safes, wax for taking impressions of keys, a pair of nippers, a fuse, 12 skeleton keys and a revolver and cartridges. Upon this evidence Justice Kilbreth committed him in default of $2,000 bail. Mr. William F. Howe, whom he had engaged as counsel, sued out a writ of habeas corpus in his behalf, and he was brought yesterday before this Court. Mr. Howe, in an astute argument, endeavored to convince the Court that his client was a gentleman of lamb-like innocence. The statute, he claimed, simply provided for the punishment of those who were found in possession of tools, on their person, with intent to commit burglary, and that the mere fact that a kit of burglar's tools had been found in the prisoner's room did not sufficiently make out an offence.

Mr. Phelps contended that the finding of these tools in the prisoner's possession was all that the law required to make out a case against him.

Judge Ingraham said that he had great doubt whether an offence had been made out, and ordered the case to stand over till next Wednesday in order to allow the District Attorney to furnish additional reasons why the prisoner should be held.

SUPREME COURT—CHAMBERS.

**Decisions.**

By Judge Barrett.

Williams vs. Williams.—Order granted.

Miller vs. Bowles, Appleton vs. Bowles.—Order settled; let an order be engrossed as indicated and handed up.

In the Matter of the Application of Inglebrandt.—Granted.

In the Matter, &c., Sears.—Findings confirmed and order granted.

By Judge Brady.

In the Matter, &c., Slosson, Trustee, vs. Union Trust Company; Ball vs. Ball, Leist vs. Leist.—Orders granted.

Hauselt vs. Thomas.—Memoranda for counsel.

Smith vs. the Mayor, &c.—Order signed.

Csapp vs. Csapp.—Custody of children awarded to the respondent, the relator being at liberty to see them at stated times. Order to be entered on notice.

In the Matter, &c., of Abrahams.—Child must be produced on an attachment issue.

SUFERIOR COURT—SPECIAL TERM.

**Decisions.**

By Judge Freedman.

Hanover Fire Insurance Company vs. Tomlinson.—Motion granted, with $10 costs.

National Park Bank vs. Barns et al.—Motion denied, with $10 costs, to abide the event, and without prejudice to plaintiff's rights on demurrer.

Rockwell and Another vs. Ginnelly and Another; Same vs. McGovern et al.—Judgment for plaintiff on demurrer, with leave to withdraw the sixth defence and to amend answer on payment of costs.

Schenck vs. Torrey.—Motion denied, with $10 costs to abide the event.

Antler vs. Stein.—Plaintiff's motion for leave to serve reply granted upon payment of $10 costs within 10 days, and upon such payment defendant's motion is denied without costs.

Falkenan and Another vs. Fargo, Receiver, &c.—Order of judgment of affirmance on remittitur from Court of Appeals.

Baker vs. Clarke et al.; Hulse vs. Praudenheit.—Orders granted.

COURT OF COMMON PLEAS—SPECIAL TERM.

**Decisions.**

By Judge Loew.

Loonan vs. The Bartlett Reversible Sewing Machine Company.—Petition granted.

In the application, &c., Carpenter, counsel must refer me to the law which authorizes the order asked for.

Rauch vs. Rund.—See memorandum for counsel.

COURT OF GENERAL SESSIONS.

**A Cigar Merchant Sent to the State Prison for Ten Years for Perjury.**

Before Recorder Hackett.

Shortly after the opening of the Court yesterday Aaron Harris, who was convicted of perjury on Thursday, was arraigned at the bar for sentence.

The Recorder said that Harris stood before the Court charged with two grave crimes—arson and perjury. No doubt the object of the prisoner was to defraud the insurance company by swearing that he had a large amount of property in the building, and in order to successfully obtain the money by fraud it was necessary to commit the crime of arson in the first degree, which involved a penalty of punishment for life, and the other offence, perjury. Society proposed two ends in punishment—first, the penalty to the offender corresponding with the magnitude of the crime which he committed, and, in the next place, to deter others from the commission of criminal offences. Upon the conviction for perjury His Honor sent Harris to the State Prison for ten years.

**A Woman Sent to the State Prison for Seven Years for Stealing a Little Child.**

Kate Bowen was tried and convicted of the crime of abduction. The testimony for the prosecution showed that Susan Brown, who was living as a nurse at Mr. Lockwood's, hired board for her little girl, five years old, at the house of Mrs. Dorf, No. 37 Frankfort street. The child was missed on the 17th of June and nothing was heard of her till a few days ago. The matter was "worked up" by the detectives, who found the child at the residence of a minister named Birdsall, in Rye, Westchester county, in whose house the prisoner was hired as a domestic. The accused went on the stand and positively swore, in the face of the testimony of the mother, godmother and Mrs. Dorf, at whose house the child boarded, that she was her child, was born in Boston and she (the witness) was never in an insane asylum. A verdict of guilty was promptly rendered, and the Recorder sent her to the State Prison for seven years.

**Another Case of Alleged Abduction of a Youthful Italian Musician.**

The next case presented to the jury was a somewhat similar charge to the last one, the indictment charging an old Italian named Egadio Antonio Louira with kidnapping a boy 11 years old, whose name was Benanio Volme. It seemed from the testimony that on the 12th of September he went to the residence of the boy's parents, in Elizabeth street, and requested him to go with him to Jersey City. He went, and since then nothing has been heard of his whereabouts. It was further shown that the missing youth had been an itinerant violinist for years, and that on the day in question he took his instrument with him. Some of these days he may "turn up" in a remote region of the globe as a worthy successor of Paganini. Mr. Russell saw he had no case and abandoned the prosecution. His Honor instructed the jury to acquit the alleged criminal.

**Assulting an Officer.**

John Flood was convicted of assaulting Officer Leahy on the 17th of September and sent to the Penitentiary for nine months. William Tinsman and Richard Roach, jointly indicted with him, were acquitted.

**Acquittals.**

Thomas Morris, a youth, was tried and acquitted of a charge of stealing a gold watch and chain from John McNichol on the 16th of September.

Michael Agnew was also declared not guilty of stealing $170 from his old mother on the 20th of October.

William McKenna was charged by Christina Radenberg with snatching a pocketbook containing $3 while she was purchasing some cabbage from him in the street. He, too, was acquitted by the jury.

COURT OF APPEALS CALENDAR.

ALBANY, N. Y., Dec. 5, 1873.

The following is the Court of Appeals day calendar for December 8:—Nos. 77, 131, 134, 140, 142, 143, 144, 145, 147, 149.

## UNITED STATES SUPREME COURT.

WASHINGTON, Dec. 5, 1873.

No. 576. Sawyer vs. Hoag.—Appeal from the Circuit Court for the Northern District of Illinois.—In this case the appellant was called upon to close up his subscription for 50 shares of the company's stock upon the condition of the subscription—that the company would loan him 85 per cent of the par value of the stock upon satisfactory security. He did so, giving his check for the value of the stock, and receiving the check of the company for the 85 per cent, for which amount he gave his note, at five years, amply secured. Subsequently this note was surrendered and a demand note given in lieu at a higher rate of interest, secured by a pledge of 50 shares of the stock of the Fifth National Bank of Chicago. The transaction was regarded and treated by both parties as a loan; was so entered on the books of the company, and the stock was reported to the Auditor of the State as paid. After the great fire in Chicago the company adjusted a claim it was unable to pay, and gave a certificate of the adjustment and the amount payable under it to the assured, who resigned it to the appellant for 33⅓ per cent of its value. Upon the filing of the petition in bankruptcy against the company Sawyer sought to have the certificate allowed as a set off against his indebtedness to the company. The assignee refused to allow it and the Court sustained his action. It is here contended that Sawyer's indebtedness was not for a subscription to the stock of the company, and that, under the circumstances of the case, neither the company nor its assignee can be heard to say that the subscription to the stock is unpaid. As between the parties the transaction was a loan, and all the legal consequences of a loan attach to it. Sawyer sustains the relation of an ordinary debtor, and is not in the position of a stockholder whose subscription is not paid up. It is the right of a debtor of an insolvent insurance company to purchase adjusted and negotiable claims at a discount, and set them off against his indebtedness, notwithstanding the purchaser knew the company was insolvent at the time he purchased them. The relative rights of the parties are in nowise changed by the bankruptcy proceedings. The assignee has no greater right than the bankrupt would have had if there had been no bankruptcy. The relation of Sawyer to the company as a stockholder imposes upon him no disability in respect of the purchase of claims against the company. The ground of the decision below being that the Bankrupt act prohibits a set off purchased by a debtor against a person known to be insolvent, it is here urged that the rule fixed by the express terms of the statute makes no such distinction; and the relation of debtor and creditor may be established any time before petition in bankruptcy, for the purposes of set off. Shorley and Hitchcock for appellant, J. N. Jewett for appellee.

No. 129. Dykes vs. Chadwick.—Error to the Supreme Court of the District of Columbia.—This was an action by Mrs. Chadwick, wife of H. A. Chadwick, one of the makers of a note of the firm of Dykes & Chadwick, the consideration of which was that Mrs. Chadwick should unite in the conveyance of certain real estate belonging to the firm, so as to pass her right of dower to recover on the note. She was allowed to recover below, and it is here urged that the admission of the note in evidence was error, and that it was absolutely void as to her husband, and being a joint note was therefore void as to Chadwick. The contract was one having no relation to her separate estate and was void, Mrs. Chadwick being unable to contract. It is also urged that as the only consideration of the note was Mrs. Chadwick's right of dower it is void for want of consideration, for her right of dower had been previously conveyed by a deed of trust, which the Court erroneously excluded when offered to show this fact. Mattingy & Merrick for plaintiffs in error. Riddle, Hawley & Miller for defendants.

## THE LATE JUDGE PECKHAM.

**Adjournment of the Courts Out of Respect to His Memory—Eulogistic Speeches by Members of the Bar.**

Nearly all the State Courts adjourned yesterday as a testimonial of respect to the memory of the late Judge Rufus W. Peckham, of the Court of Appeals, whose sad and untimely death on the ill-fated Ville du Havre is one of the most painful records of that terrible disaster. Leading members of the Bar, in moving the adjournment, spoke with a warmth of feeling and emotion, showing their appreciation of the marked abilities and probity of the deceased, and the judges, in ordering the adjournments, re-echoed the sentiments in language of like fervency and painful emotion.

In the Court of Oyer and Terminer District Attorney Phelps, as soon as two important habeas corpus cases had been disposed of, moved an adjournment of the Court in the following touching and appropriate address:—

I think, Your Honor, that this Court should not adjourn without something to give expression, in some degree, at least, to the feelings we must all have experienced consequent on the sad intelligence which reached us on Monday night. The terrible calamity of which we were then first advised, although the victims had been sleeping for the last ten days in their watery graves, was one which reached far and wide in its effect of sorrow and gloom, bringing desolation to many a heart in this country and in other lands, uniting in one common misfortune men of various nationalities, of various pursuits and creeds, and it nobly illustrated the power of a common faith, which, by the ministers of various sects and denominations, manifested itself in the same spirit of resignation upon that awful day. But, while we all felt the shock of that misfortune, I think that to the members of our profession, and to those who are accustomed to practice in this Court, it comes with unusual force, and has impressed us with unusual solemnity, for by that calamnity one was taken from a position of high usefulness and honor in this State, taken from a position of eminence and reputation which he had reached by a long life of honorable and useful industry, in which he had adorned our profession in various situations; in all of which he had comported himself as became a high-minded, honorable and Christian gentleman. I need not say that I refer to that illustrious member of the Court of last resort in this State, Judge Peckham, who was taken from his place of usefulness and honor by this calamity. Judge Peckham had been before the people for many years in conspicuous positions. He was for many years public prosecutor, representing the people of the county of Albany; again in the federal Congress, in the Supreme Court and in the Court of Appeals; and in all of those, where his good fortune or the suffrages of his fellow citizens placed him, he bore himself with conspicuous fidelity to trust and manifestations of ability and integrity. No one familiar with his course on the Bench or the opinions which emanated from him can deny that there has been removed from the Bench of the Court of Appeals of this State a most useful, a most honorable and a most able Judge. And yet, sir, in this hour, recalling him as I do—for I think that I saw him on the very day on which he left this port to seek recreation and rest in a foreign land—I think that we who knew him personally love now to linger rather on his qualities as a man than on his eminence, however great it may be, as a lawyer and a Judge, and I take great pleasure in recalling the last recollection of a great and good man which came across the water to us, as the last thing seen of Judge Peckham, when he stood on the deck of that ill-fated ship, and said to those around him, like the gallant Christian gentleman that he was, "If we are to go down, let us go down bravely." I move that in honor to his memory and as a manifestation of esteem for his high qualities and regret for his loss, that this Court now adjourn.

Colonel Fellows, in seconding the motion, said:—I may be permitted to express the sentiment of each heart, the concurrent sentiment of our profession, that by that sad event we have sustained the loss of a jurist who illustrated and graced every position to which he was called, and reflected honor on a noble profession and the Bench to which the voice of his fellow citizens called him. Unbending as a judge, stern in integrity, yet characterizing all his actions by a judicial impartiality and fairness, he long ago and each day he lived, to a higher degree, won the confidence of all who came before him interested in cases, and of the great community whose interests were confided to him. Broken down by long labors, he went abroad to seek health and the relief that might come from rest from his toil. He went to his death, but not until he had gathered the full measure of honest fame and renown to himself, and in every court over which his jurisdiction extended, such tributes as that which was heard here from the eloquent District Attorney this morning, will be paid, and every member of our profession will remember him with respect, admiration, veneration and esteem, such as becomes his high position, his elevated qualities and sterling worth, and will look on him as a great exemplar and standard in our calling.

Judge Ingraham spoke as follows:—I concur with the counsel in everything said in regard to Judge Peckham. My opinion of him was formed from long personal acquaintance. He was a learned, upright, fearless Judge, and, in all the relations of life, whether public or private, he entitled himself to the approbation of his fellow citizens and the esteem of the profession. It is due to his memory that this motion should be granted and be entered on the minutes of the Court as the cause of the adjournment. His death is deplored not only on account of the loss sustained, but on account of the sudden and awful manner of that death.

SUPREME COURT, CHAMBERS.

Ex-Judge White made the motion to adjourn in Supreme Court, Chambers, before Mr. Justice Brady, after the *ex parte* business had been disposed of, and ex-Judge Van Cott seconded it, both uttering most feeling eulogiums upon the deceased. Judge Brady, in granting the motion, delivered a warm eulogy of the deceased, alluding especially to the heroism of his last reported words.

SUPERIOR COURT.

In Superior Court, Part 1, presided over by Judge Monell, a motion to adjourn was made by ex-Judge Fullerton and seconded by Mr. Anthony R. Dyett. The speeches of both these gentlemen were characterized by the most tender emotion, as, likewise, were the remarks of Judge Monell in granting the motion.

In Part 2, held by Judge Sedgwick, the motion was likewise made by Mr. Dyett and seconded by Mr. Brown. The remarks of Judge Sedgwick were of a peculiarly interesting and feeling character.

In the Special Term, before Judge Freedman, the motion for adjournment was made by ex-Judge White and seconded by E. Bainbridge Smith.

IN THE COMMON PLEAS.

In the Common Pleas, Part 1, in which Chief Justice Daly presided, the motion was made by A. P. Smith and seconded by Mr. G. C. T. Buckley.

In Part 2, before Judge Larremore, the motion was made by ex-Judge Birdseye and seconded by Aaron J. Vanderpoel and Samuel J. Crooks.

In the Special Term, Judge Loew presiding, Mr. D. S. Riddle made the motion and Colonel Lockwood seconded it.

COURT OF GENERAL SESSIONS.

Assistant District Attorney Russell moved the adjournment of this Court. He said that a few days ago the sad intelligence came to us that, among others who were lost by the unfortunate accident at sea, was a most eminent, upright and distinguished Judge of this State, the Hon. Rufus W. Peckham. He had always borne the highest character for ability, integrity and vigor of character. Out of respect to his memory he moved that the Court adjourn.

Mr. John O. Mott seconded the motion in a brief and neat address, alluding to his personal acquaintance with the distinguished lawyer.

Recorder Hackett, in granting the adjournment, spoke as follows:—"The untimely death of Judge Rufus W. Peckham, of the Court of Appeals, is not only deeply lamented by all those who had the honor of his personal acquaintance, but their sorrow is shared by the great body of the people of this State, to whom the high standing and character of the lamented deceased were familiar. Few persons who have held elevated judicial positions have attained to higher eminence in the characteristics of learning, conservatism and purity of character than had Judge Peckham, who, before assuming judicial position, stood among his fellow members of the Bar their peer in all the qualifications which mark the distinguished counsellor and advocate. It is eminently proper that this Court should evidence its respect to the memory of so distinguished a jurist, and as such tribute this Court now stands adjourned, and the clerk is directed to enter these proceedings upon the minutes."

## RITUALISM AND ROME.

### An Interview with Bishop Potter on the Reform Movement in the Church.

**The Bishop's Prophecy as to the Future of the Movement—His Explanation of His Reported Conversation with English Bishops and Archbishops—An Anecdote of Dr. Pusey and the Cross—Why We Are Not Going to Rome—What the Confessional Is in the Protestant Church.**

In the HERALD of yesterday was given an interview with Bishop Cummins, of the Reformed Episcopal Church. With a desire to ascertain from an official source some idea as to the views entertained of Bishop Cummins' movement by the Protestant Episcopal Church Bishop Potter was sought by a reporter of the HERALD. The learned and reverend Bishop was found at his house, in Twenty-second street. He was sick, but he was gracious enough to afford an interview in his library to a representative of the HERALD. In answer to an inquiry as to what he thought of the "reformed" movement the Bishop said that, in his judgment, it was only a nine days' wonder—soon over and speedily forgotten. The meeting the other day was proof of that. It was convened by circular and by advertisement, and yet how few were present! And even those who were present of the clergy had been deposed from the Church.

THE CONVERSATION WITH ENGLISH BISHOPS.

"I presume you have seen the interview in the HERALD, Bishop, this morning, in which an allusion is made to yourself."

"The conversation referred to in that interview as taking place between myself, the Archbishop of Canterbury and the Bishop of London, never did take place. I certainly have had no such conversation with Bishop Cummins. But in saying that I do not for a moment charge Dr. Cummins with saying that which is untrue. No doubt he has heard from some one, four or five removes from me, that such a conversation did take place. I should, certainly, never have thought of asking the Archbishop of Canterbury, and certainly not the Bishop of London, what were their secret intentions in reference to the government of their own Church. At the same time I am free to confess that, substantially, what the Archbishop and the Bishop are reputed to have said in that conversation is to a large extent the position of the question in England. This matter of innovation in Church worship does largely depend upon the sufferance of the laity."

"I notice, Bishop, that Bishop Cummins in this interview expresses his utter inability to meet this Romanizing tendency while remaining in the Church, and urges this as a justification for his coming out."

WHAT IS NOT ROMANIZING TENDENCY.

"Yes, he does, but what he calls Romanizing tendency, or ritualism, was in it before he went into the Church; it was certainly there before he was consecrated bishop, seven years ago; he knew all these tendencies then, and it is somewhat remarkable that they were not then an offence to him. The ritualism in the diocese of Kentucky, of which he was Assistant Bishop, was the same then as it is now."

"Then you think, Bishop, that the effect of Bishop Cummins' secession and that of his friends will not seriously affect the Protestant Episcopal Church in this country?"

"No more, sir, than a mosquito bite would affect the stone wall of the reservoir in Fifth avenue."

"But is it not true that there is a marked tendency in the English Church, and to a large extent in the Church of this country, to go a long way towards Rome in its worship, and partially in its forms of faith?"

"WE ARE NOT GOING TO ROME."

"No, sir, we are not going to Rome. It is true that there are a few individuals who run into excess at one end or the other, but that need not affect the peace, comfort or religious welfare of the great body. In a large ecclesiastical body like the Episcopal Church there will be, necessarily, great divergence of opinion and practice. Before condemnation is made of this a large latitude should be given and allowances made for the varying conditions and circumstances in which each Church finds itself. There is another reason why we could not go to Rome. The Romish Church demands of its people implicit subscription to its doctrines. It assumes the authority to promulgate doctrines, as in the doctrine of the Immaculate Conception, and on that promulgation it asks and demands obedience. At the other end is freedom of opinion, individual responsibility, the right of the individual—out of which has come the rationalism of Germany. The Episcopal Church of England and our own Church stands midway between these. We inquire, as to doubtful doctrine or practice, what do the Scriptures say? And if we need enlightenment as to that we go back to the Fathers, as they are called, of the Church—not the mediæval age, but of the first four centuries—to see what their comment is, and thus we hear the Scriptures and the Church. Now this is essentially different to the method of the Romish Church, and cannot be confounded with it."

RITUALISTIC PRACTICES.

"But, then, despite of this essential difference, there has grown up during this last 30 or 40 years practices in the English and the American Church that are known as ritualistic, and are described also as 'Romanizing,'"

"It is easy to call things by names and to howl down certain practices that don't suit us. But that is neither philosophic nor judicial. A great deal of what is said reminds me of an anecdote I told Dr. Pusey, some years ago, when I was in England. Two or three friends and myself were walking up Broadway once—it was just before Christmas—and one of the party suggested that we turn aside to go into a church to look at the Christmas decorations which they were fixing. We did so, and we saw, among other decorations, a cross covered with evergreens over the altar. Well, there was no harm in that; why should there be any objection to the symbol of our mediation? Why should the Roman Catholics obtain a monopoly of this symbol? But one of my friends said, 'Oh! I cannot bear to see that cross there.' The other friend replied, 'I don't mind about seeing it there, but it is bearing here that I find hard,' beating himself on his breast. I told this story to Dr. Pusey, and he replied, 'Yes, that man knew more about the cross, I expect, than the other man, who could not bear to see it as a symbol. I don't profess to believe that there are not practices in relation to worship at each end, both in the slovenliness of its performance and in the extreme ritualistic character of its observance, that might not meet with my approval. But in a large ecclesiastical body like the Church of England and our own Church you cannot get rid either of an evil or the influence of a man by cutting off the head; and so long as there is no positive violation of Church order or of doctrine it is better to allow it to work out its own cure.'"

"The history of the growth of ritualism in England, and also in this country, scarcely indicates, does it, Bishop, that these exercises, as they are deemed, are a mere fungil on the ecclesiastical tree? Take, for example, the trouble about the confessional in England."

WHAT THE CONFESSIONAL IS.

"Now, the confessional serves as an illustration of what I mean. I do not ignore the fact that there are many, probably, in both countries who would desire to make the confessional habitual. But that which the confessional is in the Protestant Episcopal Church is a very different thing to what it is in the Romish Church. A man feels a sickness of soul; he is probably not conscious of any sins that would call forth the reprobation of men generally, but to him they are grievous to be borne, and he thinks that if he could lay his heart and mind open to some holy, trusted, prudent man, he would be relieved thereby, and he does it. Now, there is common sense and philosophy in that. It is this confession which the Church encourages. But this is a very different thing from that which the Romish Church demands of its people, requiring confession to be habitual and to be an absolute preliminary to the partaking of the Holy Communion."

"So you think, Bishop, that the fears of Bishop Cummins and his friends are to a large extent groundless?"

"I do, sir. I think that the earth is just as likely to be moved from its orbit as that the Church of England or our own Church will go over to Rome."

After a few pleasant remarks in the same direction the interview was closed.

## INTEMPERANCE, DESTITUTION AND DEATH.

The Brooklyn Coroner was notified yesterday to hold an inquest over the body of Sarah Coffee, a woman who died from intemperance and destitution, in a wagon, while being conveyed to the Washington street station house. It appears that an officer while on patrol in Hudson avenue, yesterday evening, was notified that two women and two children were dying in tenement house No. 214 of the avenue named. On entering the abode of misery, a back basement, the policeman found Sarah Coffee and Mrs. Mary Coulton, and Joseph, aged three years and Mary Ann, aged two years, lying upon the cold, filthy floor of the apartment. The women were under the influence of liquor and the little ones were crying from hunger and cold. A wagon was procured and they were driven toward the station house. Sarah Coffee died on the way. Mrs. Coulton was subsequently sent to jail, and the children were taken care of by the authorities.

## BOARD OF ALDERMEN.

**Estimates for the Board of Health—Another Dose of the Comptroller's Infernal Machine—Confirmations and Rejection.**

Pursuant to a call of the members a special meeting of the Board of Aldermen took place yesterday afternoon, Mr. Samuel H. B. Vance, the President, in the chair.

Alderman MCCAFFERTY offered a resolution to the effect that the creation of the "Charitable Commissioners" was an act of usurpation on the part of the Legislature, at the same time denouncing the Police Magistrate bill as entailing greatly increased expenditures on the city, all of which was contained in a lengthy preamble providing that the Counsel to the Corporation be requested to prepare a memorial, with a view of having this law (chapter 588, Laws of 1873) repealed. The preamble and resolution were adopted on a division by a vote of 8 to 7.

Alderman MONHEIMER proposed a resolution that the President appoint a committee of five to investigate certain alleged frauds perpetrated in connection with the building of the Eighteenth Ward Market, a measure authorized by legislative enactments five years ago. The motion was adopted.

Alderman MCCAFFERTY, as Chairman of the Committee on Lands and Places, to which was referred the annual estimate for the Board of Health for 1874, reported that they have fully investigated the schedule of estimated expenditures for the ensuing year and revised the same to meet the exact needs of this Commission without embarrassing its efficiency. Under chapter 74, Laws of 1866, which provided for the appointment of the Metropolitan Health Commissioners, the expenses for that year amounted to $88,939 26, of which $42,454 67 was for salaries. For salaries during the year 1874 the salary list will amount to $169,250. The salaries have been largely increased, and the conduct of the Commissioners in this respect is outrageous. The committee recommend that the large force of sanitary inspectors be reduced while the cold weather lasts. The committee suggest that the salary list be reduced to $43,000. The report was received and ordered to be printed in the minutes.

The resolution from the Board of Assistant Aldermen authorizing the Mayor to offer a reward, not to exceed $5,000, for the detection and conviction of the party or parties who sent an infernal machine to the Comptroller's office on the 26th ult., was received.

Alderman MONHEIMER moved to refer the subject to the Committee on Salaries and Offices, which was lost by a vote of 9 to 6. The same Alderman moved to refer to the Police Commissioners.

Alderman VAN SCHAICK wanted to interpolate the words that "it is reported," which was adopted.

Alderman MONHEIMER stated that it is publicly reported that some of the clerks of the Comptroller were the perpetrators.

Alderman MCCAFFERTY replied that the Mayor was authorized to offer a reward without the action of the Board.

Alderman CLAUSEN rose and defended the Comptroller, characterizing him as an honest man, &c., and was strongly in favor of investigating the affair.

Alderman MCCAFFERTY said, "If a torpedo had been sent to the home of the Comptroller, instead of his office, where there was any probability of his handling the same in person, he would vote in favor of $5,000 or even $10,000. It is well known that no one can go into the Comptroller's office with a satchel unless he is stopped. He wanted the matter investigated first and then offer the reward.

On a resolution to refer the subject to a a joint committee, further action on this matter was postponed. Nearly one hour was consumed on the idle debate had upon this subject and it was evident that the whole thing is looked upon as a huge joke.

Alderman MORRIS called up the nomination of Mr. Wyllis Blackstone for one of the Court House Commissioners.

Alderman VAN SCHAICK read an extract from the minutes showing that the Comptroller had paid to one Vaux the sum of $1,100 for plans to finish the new Court House, and he could not see what purpose it could serve now to make these appointments, and he moved to postpone action on this nomination until the 15th of February, in order that some more definite legislation on this subject may be had by the next Legislature. The motion was adopted.

His Honor Mayor Havemeyer sent in two communications nominating Messrs. George W. Frost as City Marshal, in place of Joseph Wallace, resigned, and Louis Lubisher, in place of Henry C. Carey, resigned. Both nominations were unanimously confirmed.

In another communication by the Mayor the name of of Joseph F. Day was sent in as nominee for Commissioner of Charitable Corrections, which Alderman RILEY moved to confirm. The motion, however, was lost by a tie vote.

Alderman CLAUSEN, the Comptroller's champion, evidently enjoyed the torpedo business, and had no idea that a large number of people, city fathers, clerks and reporters were anxious to get their dinner, it being then half-past five o'clock, and in order to show his devotion to the financial head of the city, again called up the resolution authorizing a reward of $5,000 to be offered by the Mayor.

Alderman MCCAFFERTY hereupon sent a large bound volume to the Clerk, from which he was to read a proclamation, when the Mayor offered a reward for the capture and conviction of a vitriol thrower in Harlem without a resolution from the Common Council, which Alderman McCafferty finally read himself.

The subject was finally disposed of by Alderman VAN SCHAICK offering another resolution of similar import, only plainer in terms, which will have to go to the Assistant Aldermen, and it is hoped will quietly rest there.

The Board finally adjourned to meet this afternoon at half-past three o'clock, when some of the resolutions looking toward authorizing the heads of departments to employ laboring men without making contracts will come up for action.

## CITY AND COUNTY TREASURY.

Comptroller Green reports the following disbursements and receipts of the treasury yesterday:—

| | |
|---|---|
| Claims paid, number of warrants 48, amounting to | $48,265 |
| Pay rolls, number of warrants 80, amounting to | 8,332 |
| Total number of warrants 128, amounting to | $56,597 |

RECEIPTS.

| | |
|---|---|
| From taxes of 1873 and interest | $22,058 |
| From arrears of taxes, assessments and interest | 9,221 |
| From collection of assessments and interest | 1,854 |
| From market rents and fees | 4,649 |
| From water rents | 3,423 |
| From licenses, Mayor's office | 38 |
| From fees and fines, District Courts | 495 |
| From interests on deposits—Bank of the Manhattan Company | 244 |
| Total | $41,992 |

## THE BRITTON INVESTIGATION.

The investigation of the charges preferred by the "Fifty" against District Attorney Britton, of Kings county, was resumed in Samuells' Assembly Rooms, Washington street, yesterday. Mr. Speir appeared on behalf of the commission appointed by Governor Dix, and ex-United States District Attorney Benjamin F. Tracy for the District Attorney. The charge under consideration was that of tampering with the Grand Jury, which was closed, as was also the election fraud charge. The investigation was adjourned until eleven A. M. Monday.

## THE UNION DEFENDERS.

**Paying the Pensioners.**

The last quarterly payment of pensions to those who fought for their country and the heirs of those who died in the discharge of their duty was commenced on the 4th inst. by Mr. S. B. Dutcher, at his office in the Custom House. As usual, at the early hour of five o'clock in the morning, a crowd had congregated on the sidewalk, but Mr. Dutcher and his full complement of clerks were on hand, and the payments were at once proceeded with. The total number of persons paid on the first day was 992, or 346 more than on any one previous day. Of this number there were 47 survivors of the war of 1812, 516 were invalids and 396 widows and guardians of minor children. The sum of $16,448 36 was paid to invalids and $11,032 06 to widows and children of deceased soldiers.

Yesterday's payments amounted to nearly $30,000, and the crowd seemed by no means to diminish. During the present pay period it is supposed that nearly 10,000 persons will receive their allotted pensions through