# THE COURTS.

## A Husband's Domestic Wrongs and His Rival's Ardent Correspondence.

## DIVORCE AND ALIENATED AFFECTION.

## Closing Proceedings in the Emma Mine Case.

## A LEAF FROM THE TICHBORNE TRIAL.

Joseph A. Bryden, who from the time of his marriage in 1856 up to the year 1871 lived with his wife, Georgiana, charges that about that time W. Haskell Rhett laid siege to Georgiana's affections, alienated them from her husband, and, in doing so, injured the latter to a large amount pecuniarly. To recover for this damage Bryden has commenced against Rhett a suit for $20,000, in which the latter has been held in bail to the extent of $5,000. Yesterday, in Supreme Court, Chambers, before Judge Donohue, a motion was argued on behalf of defendant to vacate the order of arrest, and was opposed on the part of the plaintiff. In the affidavit of the plaintiff, on which the order of arrest was granted, he states his alleged wrongs in the premises at great length. He was married to his wife, he says, in October, 1856, and they have two children living and now grown almost to the age of maturity. In 1871 his wife became acquainted with the defendant, who then commenced a course of conduct calculated to alienate her affections from her husband and deprive him of the comfort of her society and fellowship. During that year defendant addressed to plaintiff's wife twenty-eight letters, in which he uses such endearing phrases as "Dearest," "Dear Georgie," "Love," "Pet," and others equally soothing and soft. In these alleged letters the defendant is represented as expressing the various feelings, moods, hopes and fears which bubble up in his ardent soul in respect to the object of his pet names. On the 10th of May, 1871, he writes he often wishes her back, not from selfish motives, but only for the pleasure of spending the evening with her; he fears the old man, but will try and fool him. She ought to be a young man's pet, who would appreciate her good and sweet qualities. He enjoins confidence between them, and hopes she will be quite well when the letter reaches her. On the 23d of May, 1871, he protests that she is unforgotten, looks anxiously for her return, and deplores that "hope deferred which maketh the heart sick." He longs for the enjoyment of her sweet self "at the Park or elsewhere." He asks her to write just as she feels, and waits her much love and a kiss. On the 2d of June, 1871, he invites her to a trip to Central Park, where they might "talk love all alone." As good military tacticians, though the Central Park be their objective point, he proposes to deceive the opposing force by making a feint or demonstration in the direction of the theatre or Thomas' Garden. He wants his hurry excused and protests he is her's. On the 13th of the same month he regrets misinterpretation of words spoken the previous evening, but rejoices that she had said she would "number it with the past." Seven days later he invites her to meet him between Seventeenth and Nineteenth streets, on Fifth avenue, at half-past seven o'clock in the evening of the following Friday. He proposes that they then sup together, and, as time might fly rapidly under the circumstances, he wants her to say she is gone to Brooklyn to tea and may not be home until late, and thus they "can spend a long and charming evening together." As early as the 10th of July following it seems to him years since they had a trip to the Park together, and he suggests the next Wednesday evening for that purpose. On the 5th of August, of the same year, Georgiana seems to have been absent, for he says, "I have already missed you, and find it quite hard to pass away the evenings, having become so accustomed to have you with me." He expects a dull time, but looks for the return of her "precious self" once more. The night of the 11th of the same month was made memorable to him by a dream, lasting the "entire night," of her, but which ended only in a sad awaking to the fact that it was only a dream. He wonders if the dream will ever come true. After other disappointing dreams in August the month of September, with its annual fairs, came, and he wanted her to accompany him to "the fair" on Saturday evening. He wants her to go alone if Mr. Bryden will not object, and considers the latter a great nuisance sometimes. On the 10th of November he aspires to being more than a spiritual husband. In the cold month of December, and at almost the close of this year of correspondence, he writes from the mild and balmy atmosphere of Charleston assuring his "dearest Georgie" that she is still in his thoughts, and directing her to send her answer in care of B. S. Rhett & Son, of that city. During the year 1872 his aggravating and disappointing dreams seem to have continued, and he felt the conviction that they (not the dreams) had learned to love one another. He wants the "old man" sent to Boston, but supposes he will never go, just because they want him to. "We will," he continues, "have to wait patiently until he makes his mind up. What great nuisances they are at times, particularly when they eternally are in the way. If they could only, like old Rip, take a twenty years' sleep, this would do as well; but no such good luck in these days." Numerous other letters follow, through which runs the same train of thoughts and purposes, and in which he invites her to meetings in and out of this city. The affidavit concludes with the allegation that the plaintiff's wrongs at the hands of defendant were consummated in the city of Hartford under the very eye of the moral authority of the Nutmeg State.

Of course all the objectionable features which the plaintiff attributes to the foregoing alleged state of facts are denied on the part of the defendant. In his own affidavit, used on the motion yesterday to vacate the order of arrest against him, he (defendant) recounts at great length his acquaintance with plaintiff and his wife. He charges that plaintiff's habits were for a number of years intemperate, and that he treated his wife with cruelty; that he thus alienated the affections of his wife from him, and that the result was a separation; that all his (defendant's) conduct toward plaintiff's wife was the result of sympathy for a wronged woman, and that his associations with her were never of a criminal character; that he had never sought to alienate her affections from her husband, but that, on the contrary, they had been already alienated by the husband's conduct; that plaintiff had often threatened to use against defendant letters of which he (plaintiff) said he was in possession, but which letters he refused to exhibit, leaving the defendant ignorant as to whether he was responsible for them or not, and he denies responsibility therefor; and that he believes from all the circumstances this suit is brought for the purposes of blackmail. The wife confirms the theory of the defendant, alleging that she was alienated from her husband before she ever made the acquaintance of the defendant; that her husband, long before bringing the suit, made mention of letters of defendant, which he claimed to have, and threatened to use them against him, and that she believes the suit to have been brought for the purposes of blackmail. In reply to these affidavits several were read on the part of the husband repelling the assertion that he had ever treated his wife cruelly, and alleging that at the time she made the acquaintance of defendant he (plaintiff) and his wife were living happily together. After argument by counsel for and against the motion Judge Donohue took the papers, reserving his decision. It should be added that Mrs. Bryden claims to have a divorce from her husband, the regularity of which the husband disputes.

## THE EMMA MINE SUIT.

After a series of most protracted tactics on the part of counsel to extend into its sixty-fifth day the trial of the Emma Silver Mining Company against Trenor W. Park and another, it would seem as if counsel were, after all, not altogether bent on exhausting the "pocket" bonanza to the advantage of their own particular pockets. A slight divergence in the rich vein of self-interest was observable in the course of yesterday's proceedings, plainly indicating that counsel on either side felt perfectly happy in advance, whichever side might win. Mr. Chittenden, of counsel for the defence, having exhausted his summing up, Mr. Beach on the same side rose to address the jury. The learned counsel straightened himself up, faced the twelve honest and true men who were to render a verdict in the case, looked at them significantly for a moment, attracted their attention, and then slowly turning his gaze, followed by that of the twelve impartial men in the jury box, looked for a moment at his opponent, Stoughton, and then addressing the Court, said:—"Your Honor, in view of the loss of time and pecuniary sacrifice suffered by these gentlemen in the jury box, which they have occupied for now over two months, a suggestion was made by me to counsel on the other side some short time ago that the parties at issue here—the Emma Silver Mining Company, represented by my friends Stoughton and Foulkes, and myself and associates, representing the defendants, Park & Baxter—that a sum of $2,500 be subscribed by either party, making a sum of $5,000, to be deposited with Your Honor before the case be submitted to the jury, and that the said sum of $5,000 be distributed among the jurors at the conclusion of the trial."

Mr. Stoughton, rising, said that such a proposition as that referred to by Brother Beach had been made to himself and Brother Foulkes representing the Emma Mining Company, the plaintiffs in the case, and they had entertained it heartily. His associate, Brother Foulkes, had cabled the proposition of Brother Beach to their clients in London, asking to be informed what had been paid in a somewhat similarly protracted case of recent date in London—he referred to the Tichborne case—and they had received an answer which, perhaps, may be properly taken as a precedent here, that in the famous Tichborne case the jurors had been paid two guineas a month extra for the time the trial lasted. Of course his clients, himself and associate, Brother Foulkes, heartily acceded to the proposition of his friend on the other side, Brother Beach, should the proposition commend itself to the judgment of the Court.

Judge Wallace said:—"While I approve the motives of counsel in making the proposition, yet in view of its very novelty and the difficulty of deciding upon the merits, and in fact the legal difficulties surrounding it, I shall postpone my opinion on it till the Court meets on Monday."

Mr. Beach then proceeded with his summing up, and referred in his opening to the graphic and apparently sincere manner in which Mr. Stoughton had pictured his client, Mr. Park, the defendant in the suit, as the arch swindler who had subsidized all England. But he felt convinced that the sober second thought of the jury would recognize the fact that his friend Stoughton was not the Samson who could pull down in ruins the temple of an honest man's reputation. Brother Stoughton had said that Mr. Schenck was deceived by Park; General Schenck, on the contrary, swore that he was not deceived in Park; that he had from the first reposed the fullest confidence in his honor and his honesty, and that he had the same perfect reliance in both to-day. General Schenck testified that he had bought his interest in the mine with his eyes wide open, and that his strongest inducements to buy had arisen rather from the English accounts of the mine than from any representations Mr. Park had ever made to him. General Schenck's testimony, counsel argued, was a complete exoneration of Mr. Park from all misrepresentation or exaggeration as to the value of the mine. These wholesale misrepresentations by opposing counsel, he said, was an example of how the whole case had been conducted by the other side. Counsel contended that the shareholders make the directors—the corporation does not make them—the directors are the agents and trustees of the shareholders, and there is no trusteeship existing as between a company and directors. It is incumbent on the plaintiffs to prove all the acts going to make up the ingredients of the allegation of fraud and false representation, and that such representation was made with intent to deceive. It was also necessary to prove that the party purchasing believed the representations so made to be true, or that he had acted in that belief in making the purchase. Fraud must not be presumed. Fraud in a case of this nature must always be proven. They were told that Baron Grant and all the newspapers had been subsidized and that money was used freely to secure influential parties to take part in this fraudulent enterprise. But, even if this was proven, might it not, suggested counsel, be as consistent with an honest desire to push forward an honest enterprise as a dishonest desire to push on a dishonest one. The defendant Park was placed in a position where his all was at stake, and a verdict should not be given against him on any but the most direct and positive evidence of his guilt. Mr. Beach had not concluded at the rising of the Court. Adjourned till Monday.

## HOYT, SPRAGUE & CO.'S ASSETS.

When the firm of Hoyt, Sprague & Co. failed several banks of Providence, R. I., held claims against them for advances to the extent of $600,000. These loans were secured by a mortgage, on the bond accompanying which Josiah Chapin appeared as principal and Edwin Hoyt and several others, partners in the firm of Hoyt, Sprague & Co., as cobondsmen. The bank claims were divided as follows:—The City Savings Bank, $100,000; Franklin Institution for Savings, $250,000; Union Savings Bank, $50,000; Cranston Savings Bank, 100,000; the People's Savings Bank, $100,000. All these claimed to come in as general creditors, and a suit, in which Mr. Juillard, the receiver, was made a party, was brought to test this question. The referee, Mr. William P. Dixon, has now decided that the banks cannot come in as general creditors of the firm, and holds that such creditors must be first paid.

## SUMMARY OF LAW CASES.

Judge Van Vorst, sitting in Supreme Court, Special Term, yesterday, made an order sending the case of Horace G. Teele against Minnie G. Teele before a referee. The suit is one for divorce on the ground of adultery.

In the suit of Ryerson against Tone, which has been on trial for the last three days, before Chief Justice Curtis, in the Superior Court, a verdict was yesterday rendered for the defendant. The action was brought to recover damages for an alleged breach of contract to exchange certain property.

Judgment was entered in the Supreme Court, yesterday, dissolving the company known as the Ætna Iron Works. The officers of the company are enjoined by the judgment from exercising its corporate rights, collecting its credits, paying its debts or in any manner interfering with its assets. The company has been for some time in the hands of a receiver, who is ordered to pay the costs of the proceedings out of the assets.

The divorce suit of Mary L. Jamieson against her husband, David F., which has heretofore attracted a good share of public attention when the facts appeared in the HERALD, was yesterday dismissed by Judge Van Vorst in the Special Term of the Supreme Court. The dismissal was because of a failure on the part of the wife to prosecute her suit.

Mary Bruce obtained a judgment in Supreme Court, Circuit, Part 3, yesterday, against Oscar Sackett for $327. The claim was for the board of defendant's wife, who was separated from him. Defendant refused to pay on the ground that his wife refused to live with him, and that he had given her money sufficient for her support. She denied this, and said that he would only live with her "off and on."

In the divorce suit of Arminda Post against J. Charles Post, the facts of which have already appeared in the HERALD, a motion on the part of the wife was made in Supreme Court, Chambers, before Judge Donohue, yesterday, for an allowance of counsel fee and alimony to her. The husband alleges a divorce in Connecticut. This the wife refuses to acknowledge. He says he is a poor man and unable to pay alimony even if she was entitled to it, while she asserts he is rich. Decision was reserved.

In Part 1 of Supreme Court, Circuit, yesterday, before Judge Lawrence, the jury rendered a verdict for $1,500 in favor of plaintiff in the suit of Anne E. Erwin, administratrix, against the Neversink Steamboat Company. The suit has been on trial for several days, Mr. John M. Bowers representing the plaintiff and Messrs. D. & T. McMahon the defendant, and the main facts have already appeared in the HERALD. The damages were for the death of plaintiff's brother, of whose estate she is administratrix. The deceased was engineer of the steamboat Hope, which was sunk in Hell Gate by the alleged negligence of the officers of defendants' steamer America, on the 13th of May, 1873.

## DECISIONS.

SUPREME COURT—CHAMBERS.

By Judge Donohue.

Lewis vs. Van Passai and another.—E. Delafield Smith appointed receiver.

Piriches vs. Piriches.—Decree of divorce granted to plaintiff.

Percy vs. Chave.—Motion denied. Should be made in Erie county.

The German American Bank vs. Vilmar.—Motion granted. Memorandum.

Brock vs. Dobbs.—Papers do not enable me to make the order asked.

Matter of the Second Church of the Evangelical Association.—Has this corporation a seal?

Thayer vs. March.—Receiver appointed. If parties cannot agree I will appoint.

Betts vs. Betts.—Motion denied, without costs.

Steen vs. Cunningham, and Allen vs. Stafford.—Motions denied.

Cleary vs. Donovan; Jenkins vs. Adams, and Dobbs vs. Bernard.—Orders granted.

Hernandez vs. Herques; Knickerbocker vs. Lalor; Thorne vs. Thorne; Condert, Jr., vs. Lauzin et al.; Gerber vs. Wagner; The Clinton Savings Bank vs. Falk; Bramhall vs. Follansbee; Bertram vs. McMurray, and Gurney vs. Peters.—Granted.

SUPREME COURT—SPECIAL TERM.

By Judge Van Vorst.

Bernheimer vs. Willis et al.—Case and amendments settled.

Bush vs. Scofield et al.—Motion denied.

Earl vs. Hoffman et al.—Findings signed.

The Merchants' Bank of Canada vs. Barrett.—Case and exceptions settled.

Barrett et al. vs. Donohoe et al.—Reference ordered to Mr. Edward Patterson.

SUPERIOR COURT—SPECIAL TERM.

By Chief Justice Curtis.

The Newcastle Chemical Works Company (limited) vs. Reed et al.—Case and exceptions ordered on file.

By Judge Sanford.

McLean vs. Berlin.—Reference ordered.

Peters et al. vs. Harrison.—Order denying motion, without costs.

Durant vs. Abendroth.—Order setting aside taxation, &c.

Parfitt vs. Smith et al.—Referee's report confirmed and judgment of foreclosure and sale ordered.

Wisser vs. Stral.—Order granted and undertaking approved.

Wild vs. Kelly.—Ordered on short calendar for April 27.

Curren vs. McIntyre.—Undertaking approved.

Officer vs. Aberauger et al.—Reference ordered.

Catherine Berth vs. Charles Berth.—Judgment of divorce in favor of plaintiff.

Speer vs. The World Company.—Ordered on short calendar for April 23.

Winchell vs. Winchell; Brady vs. Crone et al.; Hooper vs. De Long; Weil vs. Shepherd; Andrews vs. The Globe Mutual Life Insurance Company; Manning vs. Stern et al.—Orders granted.

By Judge Freedman.

Ryall vs. Kennedy.—Order resetting order of March 23.

The Farmers and Mechanics' National Bank of Buffalo vs. Brown et al.—All amendments allowed except the twelfth.

COMMON PLEAS—CHAMBERS.

By Chief Justice Daly.

Wice, &c., vs. The Commercial Fire Insurance Company.—Motion granted.

Williamson vs. Snyder.—Motion denied.

Howell vs. Smith.—Extra allowance of $200 granted.

Leonard vs. Cochran; Cochran vs. Ensoe; Baup vs. The Ocean National Bank; Babbitt vs. The Mayor, &c.; Barnum, &c., vs. The Mayor, &c.; Nathans vs. Winchester.—Applications granted.

Baum vs. Goldstein.—Complaint dismissed.

## GENERAL SESSIONS—PART 1.

Before Recorder Hackett.

AN OLD PRETENDER.

In the month of August, 1867, John Maxwell Worth, who followed the business of a carpenter, left California, where he had been for the benefit of his health. He sailed from Aspinwall on the Ocean Queen, but three or four days before the arrival of the steamer he died and was buried at sea. He had made no will, and the sum of $698 38, which he owned, was taken charge of by the Public Administrator and handed over to the Chamberlain. On the 18th of July, 1876, a long lost brother turned up in the person of a man calling himself William H. Worth, of No. 23 Prescott place, Jersey City, and claimed the money as the next of kin. Cornelius Minor was appointed referee in the matter, and upon his report the Surrogate ordered the amount to be handed over to him with interest. It subsequently transpired that the claimant was a notorious adventurer by the name of William Dwyer. When arraigned at the bar yesterday he pleaded guilty, and the Recorder sent him to the State Prison for two years and six months.

ANOTHER CONFIDENCE MAN.

An elderly, respectable-looking man, named James Clark, alias Henry Gifford, was arraigned at the bar by Assistant District Attorney Russell, charged under the following circumstances:—On the 13th inst. Dennis Huxley went to an office at No. 23 South street for the purpose of procuring a ticket for Australia. He was spoken to by Clark, who was in the vicinity of the premises, and informed that all the tickets had been sold. He further intimated that he (Clark) was also going to Australia and would show the complainant where he could get a passage cheap. While going through Pearl street for that purpose a man, apparently a stranger, approached Clark and told him his baggage had been placed on board the vessel. Clark, of course, told him he had no money to pay him; but, dazzling Huxley's eyes with a one-thousand-dollar bond which he said he was going to get cashed, asked for a loan of $40, which Huxley handed him, only to ascertain that he had been sadly duped. Clark was subsequently arrested in the act of attempting to fleece a countryman with this same bond. The Recorder sent him to the State Prison for four years and six months.

A COLORED MISSIONARY'S TROUBLE.

Some time ago an old negro, who gave his name as Clark Jackson, was overhauled by the police for keeping a disorderly place known as the Fremont House, No. 130 West Thirty-third street, alleged to be the resort of disreputable people. Jackson urged in his defence that he was a negro missionary, and that his premises were used for revival purposes as well as for the interpretation of Moody and Sankey hymns. He finally pleaded guilty to the charge preferred against him, and the Recorder sent him to the Penitentiary for six months.

THE YOUNG CONSPIRATORS.

Alexander Roy, Phillip Tojei and Leland J. Jones, the three lads who assaulted and attempted to rob Thomas W. Gerard, who keeps a fancy dry goods store at No. 225 Eighth avenue, were arraigned for sentence. The Recorder sent them to the State Prison each for the term of two years, but kindly intimated that if their conduct was reported favorably upon he would interest himself in their behalf.

A PICKPOCKET OVERHAULED.

Robert Stafford, said to be a dexterous car pickpocket, on the 12th inst. relieved Mr. Max Sturby, No. 482 Grand street, of some money in avenue A, having a few hours before taken a silver watch from Mr. Silas W. Pearsall, No. 28 Lewis street. The prisoner pleaded guilty, and was sentenced to five years' imprisonment.

A BRACE OF BURGLARS.

Thomas Clark, alias Fay, and Joseph Smith were caught on the 25th of February committing a burglary on the premises of Thomas W. Williams, No. 83 Ninth avenue. The prisoner Smith was captured, and on pleading guilty was sentenced to the State Prison for ten years. When Clark was arrested he endeavored to escape, but in the effort broke his leg. It was subsequently learned that Clark on the night preceding had broken into the office of Thomas Stokes, No. 373 Tenth avenue, but did not manage to carry off anything. He pleaded guilty yesterday, and the Recorder sent him to the State Prison, being an old offender, for fifteen years.

## GENERAL SESSIONS—PART 2.

Before Judge Gildersleeve.

RECEIVING STOLEN GOODS.

Ellen Buhler, of No. 23 Clark street, who was convicted on Thursday last of receiving stolen goods, having paid seventy-five cents to three lads who had abstracted a silk dress and a pair of pantaloons from the dyeing establishment of William Ganet, in Washington street, was called to the bar by Assistant District Attorney Herring. Judge Gildersleeve sent her to the Penitentiary for six months.

ANOTHER PICKPOCKET PUNISHED.

Michael Lloyd, of No. 18 Baxter street, tried to pick the pocket of Mr. D. P. Steele, which contained $170, as he was walking along Chatham street on the 3d inst. He was caught in the act, but ran off. After a chase he was captured and on his person were found two bonds which it was alleged were the proceeds of a burglary committed at the residence of Susan D. Watson at Perth Amboy four years ago. The jury found the prisoner guilty and he was sent to the State Prison for two years and six months.

ASSAULTING LITTLE GIRLS.

The Court was occupied nearly all the day with the trial of Martin Delaney, who keeps a book store in the basement of No. 55 Sixth avenue, on the charge of indecently assaulting a number of little girls on his premises. Assistant District Attorney Herring appeared for the prosecution, and the prisoner was defended by Messrs. Charles Spencer and Hugh Coleman. The jury being unable to agree after an absence of three hours were discharged.

## HEAVY JUDGMENT REAFFIRMED.

Justice Pratt, of the Kings county Supreme Court, yesterday reaffirmed the judgment which Henry A. Richard obtained some time since against Isaac B. Wellington by default, for $68,000. Justice Dykman, about a week since, opened the default, giving the defendant an opportunity to appear yesterday, but he failed to do so. The suit was to recover the value of a quantity of wine which the plaintiff had stored with defendant.

## HEMPSTEAD RESERVOIR SUIT.

The examination in the claim of William C. Kinsley and Abner C. Keeney against the city of Brooklyn, to recover $178,000 for extra services and material furnished in the construction of the Hempstead Reservoir, was resumed before the referees, in the City Hall, yesterday. Frederick P. Hart, a mechanical engineer, testified concerning the measures taken by the authorities to guard against loss of water in the dry season of 1871.

Assistant Engineer S. R. Probasco testified that the bottom of Hempstead Pond was below the bottom of the conduit, and the water could not be drawn off by the latter without the aid of pumping engines; witness had no money transactions with the plaintiffs during or since the work on the reservoir; no money had passed between them. Counsel for plaintiffs offered in evidence a detailed statement from the books of the Department of City Works, showing how the storage reservoir appropriation of $1,400,000 was expended. After some further testimony of an uninteresting character the reference was adjourned till Monday next.

## SPINBACH SPUN OUT.

Six months ago William Spinbach, from Baden, arrived in this country. He brought with him about $900. He read the German papers every day, and in one of them found an advertisement, which read as follows:—

A YOUNG WIDOW WISHES A PARTNER IN A wine and lager beer saloon at No. 50 Chrystie st.

William Spinbach went to the lager beer saloon above mentioned, saw the widow, Mrs. Maria Bruckoff, and spent inside of two weeks nearly $600 negotiating the partnership arrangement. He went to her place of business on Tuesday night with his last $300 in his pocketbook. He bought two bottles of wine, fell asleep, and when he woke up he found her standing over him with his pocketbook in her hand. She handed him the pocketbook, and on counting his money he discovered that he was short $165. Spinbach applied to the officers of the Tenth precinct and Mrs. Bruckoff and her barkeeper, Adolph Stumph, were arrested. They were arraigned before Judge Duffy yesterday. Mrs. Bruckoff was held in $1,000 bail to answer and the bartender was discharged.

## THE EXCISE ALARM.

The sub-committee of the Agitation Committee of the German liquor dealers have returned from Albany without accomplishing much looking to the settlement of the question that has excited the dealers ever since the recent decision of the Court of Appeals. Yesterday a visit was paid to Major George W. Sauer, who reports that Mr. Morrissey and other friends of their cause are so busily engaged on the Omnibus bill that they can give but little attention to excise matters. He stated that on Thursday Mr. Nachtmann reported favorably from the Committee on Internal Affairs a new bill similar to that published in the HERALD a few days ago, which was drafted by Mr. Dielendorfer, counsel of the Board of Excise, except that it is intended as a general law for the entire State, leaves out the criminal "clause" and fixes the fees at from $30 to $200. When the committee reported favorably upon the bill Major Sauer states a delegation of temperance people put in an appearance and demanded a hearing. The bill was consequently recommitted to the committee, to enable them to be heard in opposition. This hearing, it is believed, will be given on Monday or Tuesday next, when the Agitation Committee will be present to look after the interests of their constituents, who have empowered them to represent the entire interests of the various dealers in the city.

## THE STAMMINGER SUICIDE.

TO THE EDITOR OF THE HERALD:—

In your valuable journal of yesterday I find an article headed, "A Tramp's Suicide." The deceased, whose name is Frederick Stamminger, is a near relative of mine, and I knew him to be a sober, industrious man. He was afflicted with a painful, incurable disease which most likely tempted him to commit this rash act. For the sake of his family I respectfully request the insertion of these lines in your esteemed paper. JOHN VOGEL, 1,044 third avenue.

## NATIONAL GUARD RIFLE PRACTICE.

PROGRAMME OF SHOOTING FOR THE STATE NATIONAL GUARD DURING THE YEAR AT CREEDMOOR AND OTHER RANGES.

A meeting of the division and brigade inspectors of rifle practice was held at the residence of the General Inspector on the 18th inst. for the purpose of discussing the best method of conducting the practice of the National Guard at Creedmoor during the coming season. After a full exchange of views it was decided that the question as to whether the troops should be sent to Creedmoor by regiments or by detachments from each regiment or brigade for practice should be left to the discretion of the several brigade commanders. It was understood that the First brigade would adhere to the plan of sending their troops by detachments, and the Third and Fifth would prefer to have them go by regiments. The Second brigade proposed to have an encampment of three days at Creedmoor on or about the 19th of July next, and to take advantage of the occasion to complete their rifle practice, instead of going down on different days. The general plan adopted was to commence with one day's practice for the Marksman's Badge, those who qualify being exempt from further practice during the year. In view of the large number of marksmen and first class shots in the First division who would compete it was decided that it would be impracticable to have them all sent on the ranges together. It was therefore decided to assign a separate day for each brigade for this practice. Also, that on this occasion, as well as on all others, men who failed to qualify on the first attempt should be required to shoot again on the same day, and be kept practising as long as the time will allow. Twenty targets and markers will be assigned to the use of the National Guard, and the practice will be arranged in such a way as to allow them all to be used at once. Men who fail to qualify in the third class will be taken to targets on the left of the field to complete their practice while those who have qualified are shooting at the targets on the right. An endeavor will be made to allow all who are competent to qualify as marksmen to get through all the ranges in one day.

SECOND DIVISION'S PRACTICE.

Each of the five brigades of the First and Second divisions were assigned three days for third class practice (the regiments either being sent singly or in detachments, as desired by the brigade commanders). Two days were then assigned to each brigade for a repetition of the third class practice for those who failed to qualify when first sent to shoot (the brigades being sent either by regiments or by companies from each regiment of a brigade, as preferred by the brigade commanders). One day was next assigned to each brigade for practice by those few qualifying in the third class but who had been unable to qualify in the second. In addition, three optional days were assigned to each brigade, which might be used either as substitutes for the days assigned or for any other practice which might be desired by the brigade commanders—that is, in case he chose to spread the practice over four days instead of three he could be authorized to do so.

THE PROGRAMME FOR PRACTICE.

The following are the days selected for practice, it being, however, understood that the brigade commanders are not obliged to use all of them if they can complete the required practice in a shorter space of time:—

PRACTICE FOR MARKSMAN'S BADGE.

First brigade, First division, May 10; Second brigade, First division, May 11; Third brigade, First division, May 14; infantry, Second division, May 17; cavalry of the First and Second divisions and Gatling battery, May 18.

Practice by the third class of the First brigade, First division, either by regiments or by detachments from each regiment, as may be decided upon by the brigade commander, May 21, June 7, 22; Second brigade, First division, May 28, June 8, 25; Third brigade, First division, May 30, June 11, 28; infantry, Fifth brigade, Second division, June 1, 14, 29; Eleventh brigade, Second division, June 4, 15, July 2; cavalry, First division, June 11; cavalry and Gatling battery, Second division, June 21.

Final practice by those of the First brigade, First division, who may still remain in the third class, by wings from each regiment, or otherwise, as may be decided upon by the brigade commander, August 2, 17; Second brigade, First division, August 3, 20; Third brigade, First division, August 6, 23; infantry, Fifth brigade, Second division, August 9, 24; infantry, Eleventh brigade, Second division, August 10, 27; cavalry, First division, August 13; cavalry and Gatling battery, Second division, August 16.

Practice in second class and for Marksman's Badge by those in First brigade, First division, who qualified in the third class but who have failed to become first class shots, August 30; Second brigade, First division, August 31; Third brigade, First division, September 3; infantry, Fifth brigade, second division, September 6; infantry, Eleventh brigade, Second division, September 7.

In addition, the ranges are to be at the disposal of the several brigades (or of either division on any of the days assigned to any of its brigades) on the following days in case the brigade commander should prefer them to any of the days assigned to those respective brigades, or need further time to carry out the course of practice: they may select for their command (in which case timely notice should be given to the General Inspector of Rifle Practice, the Chief of Ordnance and the Range Superintendent), viz.:—First brigade, First division, July 9, September 10, 17; Second brigade, First division, July 19, 20, 23; Third brigade, First division, July 13, 16, September 14; infantry, Fifth brigade, Second division, July 16, 27, September 13; infantry, Eleventh brigade, Second division, July 12, 30, September 20.

FACILITIES FOR TRANSPORTATION.

Brigadier General D. D. Wylie, Chief of Ordnance, has announced that requisitions for transportation and ammunition will be unnecessary, and that if copies of the orders directing the troops to Creedmoor for practice are sent to him he will cause an officer of his department to accompany the detachments, who will secure and receipt for transportation, and issue upon the range such ammunition as may be needed for practice. Issues of sufficient ammunition will be made at the commencement of each class practice.

General Dakin has expressed himself in favor of prohibiting the officers of his division from practising with the privates.

PRACTICE THROUGHOUT THE STATE.

The following general circular in regard to the rifle practice of the State has been issued by the General Inspector of Rifle Practice:—

NEW YORK, April 14, 1877.

1. The various division commanders are respectfully requested to issue the necessary orders to cause the rifle practice of the troops under their command being conducted in accordance with the following regulations, as far as their situation and the location of the ranges within the several division districts will permit.

2. The first day's practice in each division should be for the Marksman's Badge, by the present marksman and those certified as sufficiently skilled (see Manual, par. 298). All who qualify will be exempt from further practice during the year.

3. Paragraph 332 of the "Manual of Rifle Practice," is hereby amended by increasing to thirty five (35) points the average allowed in calculating the average scores made in the third class for those marksmen who qualify in the first instance.

This allowance can only be made on behalf of those who do not shoot in the third class. Those who do shoot in such class must stand on the actual scores they may make therein.

4. Inspectors of rifle practice may be authorized by their commanding officers to allow official scores made in any military match of a regular rifle association, at the prescribed distances and with the regulation rifle, as a qualification for the Marksman's Badge.

5. The troops not qualifying as marksmen should practise in the third class (100 and 150 yards), and those qualifying in the second class (200 and 400 yards) as prescribed in the Manual, pages 158, 159. In all cases when the time and the arrangements of the range will permit, those failing to qualify in any class should fire a second time in that class on the same day, and those qualifying in the first class shoot for the Marksman's Badge.

6. In the latter part of the season the practice by those remaining in the third and second classes should be repeated as above prescribed, and those who have passed into the first class should shoot for the Marksman's Badge.

The division commanders are also authorized in their discretion to devote a day for a final practice for the Marksman's Badge, but the regular course prescribed is intended to require on the average but two days from each man.

7. Where the score made by a man at the first distance in any class is less than twelve points, and it is evident that he will do no better at the second distance, and therefore will not qualify in that class, he may (if the time and target accommodation will allow) be required to shoot again at the first distance without attempting the second, his first score being disregarded.

8. The attention of inspectors is called to paragraphs 287, 367, 370, 388 and 389, Manual. It is recommended that the scores in class firing should be kept by an officer or sergeant of a different regiment or company from that shooting.

9. No one except officers and instructors should be allowed to shoot with any class he does not belong to. Nor should any scores be recorded or published except those made by members of the class shooting.

10. Whenever troops are not firing they should be practised in estimating distances under 300 yards, if it can be done without delaying the firing (Manual, par. 223, 224, 250 and page 196).

11. Creedmoor may be used by members of the National Guard when in uniform on Mondays, Thursdays and Fridays without charge.

Twenty targets and markers will be provided for the use of the National Guard on these days.

12. The following assignments have been made of Creedmoor during the present year:—

*First Division.*—May 16, 17, 14, 18 (cavalry), 21, 28, 31; June 7, 8, 11, 18, 22, 25, 28; July 9, 13, 19, 20, 23, 26; August 2, 3, 6, 13, 17, 20, 23, 30, 31; September 3, 10, 14, 17.

*Second Division.*—May 17, 18 (cavalry and Gatling battery); June 1, 4, 14, 15, 21, 29; July 2, 12, 16, 27, 30; August 9, 10, 16, 24, 27; September 6, 7, 13, 20.

It is requested that the question of whether the troops shall be sent to Creedmoor by regiments or detachments from each regiment or a brigade, be left to the decision of the various brigade commanders. In the former case the scorers should be detailed from a different regiment from that shooting. GEORGE W. WINGATE,

Colonel and General Inspector of Rifle Practice S. N. Y.

Approved—JOHN B. WOODWARD, Inspector General S. N. Y.

## PUGILISTIC CHALLENGES.

No. 15, NEW STREET, April 19, 1877.

TO THE EDITOR OF THE HERALD:—

On Monday evening, the 9th inst., I met Professor Miller, the athlete, at Professor Ottignon's benefit, and made him an offer to meet him in a glove contest for any sum between $1,000 and $5,000. He was to give me an answer within ten days as to whether he would accept it or not. He has not been to accept the challenge, and I now wish therefore publicly to renew it, offering to meet him in a glove contest at any place he may name within six weeks after the time the money shall have been deposited with any person he may elect. I desire him either to accept this at once or cease offering challenges. The public has been frequently astonished at the manner in which these self-styled gladiators have come forward from Europe and entered contests. But in many cases they have come over here simply to gull the people and "whack up" with the managers for house money, when, in fact, there has been no contest at all. I want to have Mr. Miller show whether he belongs to this clique of pretenders or not, and therefore make him this challenge. I have a number of friends who are willing to put up any amount of money, so that he can have no excuse on that head. I have never done anything of the kind before, but having heard so much about these imported gentlemen, I want to meet him as a New Yorker. If he has any excuses to make let him make them as publicly as I make this offer to him. Then the public will judge between us.

P. J. KELLY.

No. 229 MOTT STREET, April 19, 1877.

TO THE EDITOR OF THE HERALD:—

As I find it is impossible for me to get any one to wrestle me a square match at my weight, I wish you would mention in your paper that I will fight the well known Johnny Reilly a glove fight for $100 a side, the man having the best of the fight in a half hour to win the stakes. I will meet Mr. Reilly at the *Clipper* office or any responsible place he may name to put up a forfeit. I mean business, and an answer through your paper will be promptly attended to. Yours respectfully, JOE RYAN.

## A PEDESTRIAN'S CHALLENGE.

NEW YORK, April 20, 1877.

TO THE EDITOR OF THE HERALD:—

Will you please give publicity to the following, in reply to Professor Miller's communication, and oblige the undersigned:—The challenge of Dr. L. C. Thomas, offering to match me to walk Professor William Miller, was to arrange two races, of twenty-five and fifty miles, Miller to have one mile start in twenty-five and two miles in fifty, both races, of course, to be made. Mr. Miller refuses to make the twenty-five mile race, with one mile start, but posts $150 with the *Spirit of the Times* to make the fifty mile race, with two miles start. I will not permit Dr. Thomas to make the match Mr. Miller proposes without he arranges the twenty-five mile race also. If he refuses, then I will call upon him to back up his original challenge to me—to allow him one mile start in fifty miles for $250 a side. This match I will authorize Dr. L. C. Thomas to arrange at any time that Miller is ready. This was Professor Miller's original proposition, which, when we accepted, he refused to fulfil. We then offered to make the two races, I being certain that I could win one, and perhaps both. Respectfully,

W. E. HARDING.

## A BICYCLIST'S CHALLENGE.

NEW YORK, April 18, 1877.

TO THE EDITOR OF THE HERALD:—

Seeing in the HERALD of the 10th inst. a challenge from Mr. A. P. Messenger to ride any man in America a bicycle race of from twenty-five miles to one hundred, for from $100 to $250, I accept said challenge, and if Mr. Messenger means business, not talk, I will meet him at the *Clipper* office on Tuesday, the 24th inst., at three o'clock P. M., to deposit money and sign articles of agreement. Very respectfully, yours truly,

WILLIAM DENOIELLE.

## BASEBALL NOTES.

To-day the Louisvilles and Indianapolis play at Louisville, Harvards and Rhode Islands at Providence, Stars and Erics at Erie, Bostons and Lowells at Boston, Alask and Yale at New Haven and Nameless and Field at Prospect Park.

## POLICE ATHLETIC CLUB.

The police delegates from the various precincts who met on Thursday night at Glass Hall, to organize the Police Athletic Club, adopted a code of rules for government and elected the following officers:—President, Captain A. S. Williams, Twenty-ninth precinct; Vice President, Captain John Sanders, Twenty-seventh precinct; Secretary, W. Delamater, Central Office; Treasurer, Captain M. J. Murphy, Twenty-first precinct. Gymnasium Committee—Rounds